

## CHAPTER 29.

## FISH AND GAME.

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**Cross Reference:** See definitions in 24.01.

**29.01 General definitions.** The following terms, wherever used in this chapter, shall be construed to apply as follows:

(1) **WILD ANIMAL.** "Wild animal" means any mammal, bird, fish, or other creature of a wild nature endowed with sensation and the power of voluntary motion.

(2) **CARCASS.** "Carcass" means the dead body of any wild animal to which it refers, including the head, hair, skin, plumage, skeleton, or any other part thereof.

(3) **GAME; GAME FISH; ROUGH FISH; GAME ANIMALS; FUR BEARING ANIMALS; GAME BIRDS.** (a) *Game.* "Game" includes all varieties of wild mammals or birds; "game fish" includes all varieties of fish except rough fish; and "rough fish" includes chubs in inland waters only, dace, suckers, carp, red horse, sheepshead, eelpout, dogfish, garfish, buffalo

fish, hackelback sturgeon weighing more than one pound dressed; spoonbill sturgeon over thirty inches in length, catfish over twenty inches in length, and lawyers, in all waters.

(b) *Game animals*. "Game animals" includes deer, moose, elk, bear, rabbits, squirrels, fox and raccoon.

(c) *Fur bearing animals*. "Fur bearing animals" includes otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, wild cat and lynx.

(d) *Game birds*. "Game birds" includes the following aquatic birds: Wild geese, brant, wild ducks, wild swan, rails, coots, gallinules, jacksnipe, woodcock, plovers and sand-pipers; the following upland birds: ruffed grouse (partridge), pinnated grouse (prairie chicken), sharp-tailed grouse, pheasants, Hungarian partridge, Chukar partridge, bobwhite, quail, California quail and wild turkey; and the following columbine birds: mourning doves.

(4) **WATERS CLASSIFIED**. All waters within the jurisdiction of the state are classified as follows: Lakes Superior and Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor, and the Fox river from its mouth up to the dam at De Pere are "outlying waters." All other waters, including the bays, bayous and sloughs of the Mississippi river bottoms, are "inland waters."

(5) **HUNTING**. "Hunt" or "hunting" includes shooting, shooting at, pursuing, taking, catching, or killing of any wild animal or animals.

(6) **FISHING**. "Fishing" includes taking, capturing, killing, or fishing for fish of any variety in any manner. When the word "fish" is used as a verb, it shall have the same meaning as the word "fishing" as defined herein.

(7) **TRAPPING**. "Trapping" includes the taking, or the attempting to take, of any wild animal by means of setting or operating any device, mechanism or contraption that is designed, build or made to close upon, hold fast, or otherwise capture a wild animal or animals. When the word "trap" is used as a verb, it shall have the same meaning as the word "trapping" as defined herein. [1935 c. 366]

**Note:** A tribal Indian residing on his allotment within an Indian reservation has no right to hunt on lands which are not part of the reservation, though within its territorial boundaries, in violation of the fish and game laws. *State v. Johnson*, 212 W 301, 249 NW 284.

Water in canal connecting Sturgeon Bay with Lake Michigan is inland water. 20 Atty. Gen. 239.

Violations of conservation commission

orders issued under chapter 29 cannot be punished by penalties provided for violations of chapter 23. 25 Atty. Gen. 292.

Bays and harbors of Door County on Green Bay or Lake Michigan are outlying waters within the meaning of (4). A question of fact is involved in determining whether a particular body of water is an outlying water or an inland water within (4). 28 Atty. Gen. 441.

**29.02 Title to wild animals.** (1) The legal title to, and the custody and protection of, all wild animals within this state is vested in the state for the purposes of regulating the enjoyment, use, disposition, and conservation thereof.

(2) The legal title to any such wild animal, or carcass or part thereof, taken or reduced to possession in violation of this chapter, remains in the state; and the title to any such wild animal, or carcass or part thereof, lawfully acquired, is subject to the condition that upon the violation of any of the provisions of this chapter relating to the possession, use, giving, sale, barter, or transportation of such wild animal, or carcass or part thereof, by the holder of such title, the same shall revert, ipso facto, to the state. In either case, any such wild animal, or carcass or part thereof, may be seized forthwith, wherever found, by the state conservation commission or its deputies.

**29.03 Public nuisances.** The following are declared public nuisances:

(1) Any unlicensed net of any kind, or other unlicensed device, trap, or contrivance for fishing; or any licensed net or other device, trap or contrivance for fishing set, placed, or found in any waters where the same is prohibited to be used, or in a manner prohibited by law.

(2) Any unlicensed set line, cable, rope, or line, with more than one fish line attached thereto; or any licensed set line set, placed, or found in any waters where the same is prohibited to be used, or in a manner prohibited by law; or any fish line left in the water unattended, whether having one or more hooks attached.

(3) Any screen set in public waters to prevent the free passage of fish, or set in any stream which has been stocked by state authorities unless authorized by the conservation commission.

(4) Any building, inclosure, structure, or shelter placed, occupied, or used on the ice of any waters in violation of this chapter.

(5) Any unlicensed trap, snare, spring gun, set gun, net or other device or contrivance which might entrap, ensnare, or kill game; or any trap without a metal tag attached as required by law.

(6) Any boat, together with its machinery, sails, tackle and equipment, or any lamp, light, gun, pivot gun, swivel gun, or other firearm used in violation of this chapter; or any boat, floating raft, box, or blind set in open water and used in hunting game birds.

(7) Any decoys set in any water during the close season for waterfowl, or in excess of the number authorized to be used, or more than two hundred feet from the weeds, rushes, or other vegetation in which the hunter is concealed; and any decoys left in the water unattended.

(8) Any dog found running deer at any time, or used in violation of this chapter.

(9) Any ferret, rat, weasel, or guinea pig in possession or used while hunting. [1935 c. 412]

**29.04 Abandoned dams.** (1) The state conservation commission may remove or cause to be removed, in such manner as they may deem fit, old and abandoned dams in streams in the state of Wisconsin, upon giving sixty days' notice in writing to the owner thereof, if he can be found. If the owner of such dam be unknown or cannot, by due diligence, be found, the commission shall publish notice once each week for four successive weeks in some newspaper published in the county in which such dam is situated.

(2) Whenever the conservation commission shall determine that the conservation of any species or variety of wild animals will be promoted thereby, the commission is authorized to maintain and repair any dam located wholly upon lands the title to which is in the state either as proprietor or in trust for the people; subject, however, to the powers of the public service commission to fix the level and regulate the flow of the public waters.

**29.05 Police powers; searches; seizures.** (1) **ARRESTS.** The state conservation commission and its deputies are hereby authorized to execute and serve all warrants and processes issued by any justice of the peace or police magistrate or by any court having jurisdiction under any law relating to wild animals, in the same manner as any constable may serve and execute such process; and to arrest, with or without a warrant, any person detected in the actual violation, or whom such officer has reasonable cause to believe guilty of the violation of any of the provisions of this chapter, and to take such person before any court in the county where the offense was committed and make proper complaint.

(2) **INVESTIGATIONS.** Such officers shall, upon receiving notice or information that any provision of this chapter has been violated, as soon as possible make a thorough investigation thereof, and cause proceedings to be instituted if the proofs at hand warrant it.

(3) **SEARCH WARRANTS.** Upon complaint made to any magistrate who has authority to issue warrants in criminal cases, by any person that he knows or has good reason to believe that any wild animal, or carcass or part thereof, caught, taken, killed, or had in possession contrary to the provisions of this chapter, is concealed in any particular house or place, the magistrate shall examine such complainant on oath, reduce his complaint to writing, describing as particularly as may be the place where said wild animal, or carcass or part thereof, is alleged to be concealed, and cause the same to be subscribed by the person complaining. If it appears to the magistrate that there is reasonable cause to believe that the facts alleged in said complaint are true he shall immediately issue his warrant, reciting therein the substance of the complaint and the description of the premises described therein, and requiring the officer to whom it is directed to forthwith search such premises and seize any such wild animal, or carcass or part thereof, and bring the same when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other magistrate or court having jurisdiction of the case. The officer executing such warrant shall state in his return, as particularly as may be, the property seized, which shall be safely kept under the direction of the court or magistrate so long as necessary for the purpose of being used as evidence on any trial; and if such trial results in a conviction, the property so seized shall be confiscated.

(4) **OPENING PACKAGES.** The state conservation commission and its deputies may examine and open any package in the possession of a common carrier which they suspect or have reason to believe contains contraband wild animals, or carcasses or parts thereof, or is falsely labeled in violation of the provisions of this chapter; and every such common carrier, and every agent, servant, or employe thereof, shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition.

(5) **ACCESS TO STORAGE PLACES.** They shall be permitted by the owner or occupant of any cold storage warehouse or building used for the storage or retention of wild animals, or carcasses or parts thereof, to enter and examine said premises; and the said owner or occupant, or his agent, servant, or employe, shall deliver to any such officer any wild animal, or carcass or part thereof, in his possession during the close season therefor, whether taken within or without the state.

(6) **SEIZURE AND CONFISCATION OF GAME, OR GAME FISH.** They shall seize and confiscate in the name of the state any wild animal, or carcass or part thereof, caught, killed, taken, had in possession or under control, sold or transported in violation of this chapter; and any such officer may, with or without warrant, open, enter and examine all buildings, camps, vessels or boats in inland or outlying waters, wagons, automobiles or other vehicles, cars, stages, tents, suit cases, valises, packages, and other receptacles and places where he has reason to believe that wild animals, taken or held in violation of this chapter, are to be found; but no dwelling house or sealed railroad cars shall be searched for the above purposes without a warrant.

(7) **SEIZURE AND CONFISCATION OF PROPERTY.** They shall seize and hold subject to the order of the court or judge located in the county in which the alleged offense was committed, any apparatus, appliance, or any vehicle or device, declared by any provision of this chapter to be a public nuisance, or which they shall have reason to believe is being used in violation of this chapter, and if it be proven that the same is, or has been within six months previous to such seizure, used in violation of this chapter, the same shall be confiscated if the court shall so direct in its order for judgment. Any seizure of perishable property made by the conservation commission or its wardens may be sold at the highest available price, and the proceeds of such sale turned into court to await disposition of such proceeds as the court may direct. It shall be lawful for any conservation warden or other ministerial officers charged with the enforcement of the laws dealing with the conservation of the natural resources of the state, to destroy any dog found running, worrying, or killing any deer, or destroying game birds, their eggs or nests, wherein they deem it advisable and necessary.

(8) **ENTIRE SHIPMENT AFFECTED.** Confiscation of any part of a shipment under this section shall include the entire shipment.

(9) **EXEMPTION FROM LIABILITY.** Each commissioner and each deputy conservation warden, in the performance of his official duties, shall be exempt from any and all liability to any person for acts done or permitted or property destroyed by authority of law. In any action brought against the commissioner or warden involving any official action it shall be the duty of the district attorney of the county in which the action is commenced to represent such commissioner or warden. No taxable costs or attorney fees shall be allowed to either party in said action. [1935 c. 335]

**Note:** The provision in (9) that no costs shall be taxed in actions against game wardens is valid. *Muska v. Apel*, 203 W 389, 232 NW 693.

Conservation warden, having reasonable or probable cause for belief that contents of automobile offend against fish and game law, may search it without warrant. *State v. Leadbetter*, 210 W 327, 246 NW 443.

Facts warranting mere suspicion do not justify a search. Men leaving unsettled region in hunters' clothes with Christmas tree and rifle in automobile did not warrant search. *State v. Johnson*, 210 W 334, 246 NW 446.

Court will not suppress evidence because of unlawful seizure, in absence of showing that officers who obtained evidence acted outside their province, since it will be presumed that officers acted within their province, although no positive presumption exists of validity of search by officers. *State v. Drew*, 217 W 216, 257 NW 681.

The holder of a conditional sales contract covering an automobile, which had been confiscated under 29.05 (7), Stats. 1937, on the vendee's conviction of unlawfully transporting venison during the closed season in such automobile, could not recover the automobile, or the payments owed thereon, from the state; the statute not recognizing, until amendment of 29.06 (1) by ch. 475, Laws 1939, any right or interest in a confiscated motor vehicle on the part of an innocent holder of a conditional sales contract or chattel mortgage, and then only to the extent of permitting such innocent holder to recover the net proceeds of the sale of the confiscated vehicle. *Commercial Credit Co. v. Swenson*, 235 W 82, 292 NW 279.

Search for illegal game may be made on man's premises other than house constituting his home without search warrant. 19 Atty. Gen. 159.

Deputy conservation wardens have authority under this section to arrest with or without warrant as specified in 29.05. 20 Atty. Gen. 1140.

Mortgagee of automobile forfeited for unlawful use in violation of game laws under (7) is not entitled to payment. 23 Atty. Gen. 575.

Conservation warden's power to arrest without warrant is limited to persons detected in actual violations. In all other cases warrants must first be obtained. 23 Atty. Gen. 630.

Tribal Indians hunting and fishing on navigable waters on reservation are probably not subject to state fish and game laws. 25 Atty. Gen. 415.

Under (6) conservation wardens may board boats on waters of Great Lakes over which Wisconsin has jurisdiction and search for contraband fish, inspect for illegal fishing gear and make arrests. This does not conflict with federal authority. 25 Atty. Gen. 654.

Searches may be made for game and Indians may be arrested for violation of game laws on lands owned by them which are not part of Indian reservation or other land under jurisdiction of federal government. 27 Atty. Gen. 390.

For discussion of extent of warden's power of search and seizure under 29.05 (6) and (7) and 29.22 (1), see 27 Atty. Gen. 627.

Game warden's right to search refrigerated lockers is discussed. 28 Atty. Gen. 193.

**29.06 Sale of confiscated game and apparatus.** (1) All confiscated wild animals, or carcasses or parts thereof, and all confiscated apparatus appliances, or devices shall, if not destroyed as authorized by law, be sold at the highest price obtainable, by the state conservation commission or its deputies, or by an agent on commission under the written authority and supervision of the state conservation commission or its deputies. The net proceeds of such sales, after deducting the expense of seizure and sale and any such commissions, shall be promptly remitted by the warden by whom or under whose authority

and supervision the sales are made, to the state conservation commission and by it paid into the state treasury; the remittance to be accompanied by a complete and certified report of such sales, supported by proper vouchers covering all deductions made for expenses and commissions, to be filed for records in the office of the state conservation commission. In the case of the proceeds from the sale of a confiscated motor vehicle if the holder of a bona fide recorded chattel mortgage or bona fide sales contract with such motor vehicle as security, shall satisfy (and the burden of proof shall be upon him) the court, or after judgment of confiscation, the state conservation commission, that the violation that led to such confiscation was not with his knowledge, consent or connivance or with that of some person employed or trusted by him, there shall also be deducted the amount due under such mortgage or conditional sales contract from the proceeds of such sale and the amount due shall be paid to the one entitled; in case a sufficient amount does not remain for such purpose after the other deductions then the amount remaining shall be paid. After the commission has knowledge of such contract or mortgage and the address of the owner thereof the commission shall give the owner of such contract or mortgage notice of the time and place when there is to be any proceeding before the court or the judge pertaining to such confiscation and shall also give notice of the time and place of sale.

(2) On any such sales of wild animals, or carcasses or parts thereof, the warden or agent selling them shall issue to each purchaser a certificate, on forms to be prepared and furnished by the state conservation commission, covering such sales. The animals, or carcasses or parts thereof, so purchased shall be consumed or otherwise disposed of by the purchaser within a period to be set by the conservation commission, but shall not be re-sold, bartered, or exchanged, in whole or in part, to any other person, except as provided in subsection (3).

(3) Confiscated fish or game sold to the keeper, manager, or steward of any restaurant, club, hotel, or boarding house may be served to the guests thereof; but in such case the certificate covering the purchase shall be hung in public view in the place where the fish or game is served, and such fish or game shall at the time of sale be tagged by the warden or agent selling it, such tag to show the date of sale and be returned to said warden or agent within five days thereafter. [1931 c. 351 s. 2; 1939 c. 475]

**29.07 Assistance of police officers.** All sheriffs, deputy sheriffs, coroners, and other police officers are ex officio deputy conservation wardens, and shall assist the state conservation commission and its deputies in the enforcement of this chapter whenever notice of a violation thereof is given to either of them by the commission or its deputies.

**Note:** Sheriff, deputy sheriff, coroner and other police officers are ex officio deputy conservation wardens; their powers are co-extensive with territorial limits of counties in which they hold office. 20 Atty. Gen. 25. Deputy sheriff may request hunters to exhibit licenses and may act in capacity of conservation warden although not requested so to act by conservation commission or any of its deputies. 29 Atty. Gen. 33.

**29.08 Interstate comity.** (1) Whenever and so long as any other state confers upon the officers of this state reciprocal powers, any officer of such other state, who is by the laws of said state authorized or directed to enforce the laws of said state relating to the protection of wild animals, is hereby designated an agent of said state within this state. It shall be lawful for said officer to follow any wild animal, or carcass or part thereof unlawfully shipped or taken from his state into this state, seize and convey the same back to his own state; and so far as concerns any such wild animal, or carcass or part thereof, the laws of the state from which the same was brought into this state are hereby adopted as the laws of this state. Transportation companies shall deliver to such officer, upon submission of proper proof of his official capacity, any wild animal, or carcass or part thereof, so demanded or seized by him. Said officer may dispose of any such wild animal, or carcass or part thereof, within this state, in accordance with the laws of the state from which the same was taken or shipped, under the supervision of any conservation commissioner or deputy conservation warden of this state, whose expenses for his assistance shall be a lien upon such wild animal or carcass or part thereof, or the proceeds thereof.

(2) Except as provided in subsection (1), the state conservation commission or its deputies shall seize, hold and dispose, according to the laws of this state, of any wild animal, or carcass or part thereof, brought or shipped into or through this state, or attempted to be carried through this state, in violation of the laws of any other state.

(3) The state game warden of every other state, and his deputies and all other officers therein charged with the enforcement of the laws relating to wild animals are hereby designated agents of this state for the taking possession, seizing, holding and disposing, within such state, of any wild animal, or carcass or part thereof, protected by the laws of this state.

(4) Whenever and so long as any other state confers upon the officers of this state reciprocal powers, the state conservation commission is hereby authorized to appoint per-

sons who shall have been appointed game wardens or deputy game wardens of such other state to act as and have all the powers of deputy conservation wardens of this state, but without compensation from this state.

**29.085 Commission to regulate hunting and fishing in interstate waters.** The conservation commission is hereby authorized to regulate hunting and fishing on and in all interstate boundary waters, and outlying waters specified in subsection (4) of section 29.01. Any act of the conservation commission in so regulating the hunting and fishing on and in such interstate boundary waters and outlying waters shall be valid, all other provisions of the statutes notwithstanding, provided such powers shall be exercised pursuant to and in accordance with section 29.174 and subsection (7) of section 23.09. [1933 c. 242; 1937 c. 366]

**Note:** Sections 23.09 and 29.085, Stats. 1933, are not unconstitutional as unlawful delegation of legislative power. Rules of conservation commission requiring wardens to be in attendance for commercial fishing, and requiring commercial fishermen to pay their transportation, board and lodging for

a period of not less than six days, held not invalid as arbitrary and unreasonable. *State v. Sorenson*, 218 W 295, 260 NW 662.

This section is not an unlawful delegation of legislative power. See annotation to sec. 1, art. IV, Const. citing *Olson v. Conservation Comm.*, 235 W 473, 293 NW 262.

**29.09 Hunting, trapping and fishing licenses.** (1) HUNTING, TRAPPING OR FISHING WITHOUT A LICENSE PROHIBITED. Except as expressly provided, no person shall (a) hunt with a gun any wild animal, or (b) trap any game, or (c) take, catch or kill fish or fish for fish in inland water of this state unless a license therefor has been duly issued to him which shall be exhibited to the conservation commission or its deputies on demand. Such licenses shall be issued to and obtained by only natural persons, and in case of resident hunting, trapping or fishing licenses, shall be issued only to persons who shall present to the county clerk or issuing agent definite proof of his identity, and that he is a legal resident of this state. No more than one of the same series shall be issued to the same person in any year. No person shall transfer his license or deer tag to or permit the use thereof by any other person, nor shall any person while hunting, trapping or fishing use or carry any license, tag or badge, issued to another. No hunting or trapping license or deer tag shall be obtained by any person for another nor shall such a license or tag be issued or obtained by any person who is not a citizen of the United States. Any person between the ages of 12 and 16 years may hunt only when accompanied by a parent or guardian. Indians hunting, fishing or trapping off Indian reservation lands are subject to all provisions of this chapter. Members of the armed forces of the United States, when stationed in Wisconsin or while on furlough or leave, shall be entitled to a license upon the same terms and conditions as provided for resident hunters and fishermen.

(2) FORM OF APPLICATION. The application for such license shall state the residence and post-office address of the applicant, a description of his person, and such other facts, showing him to be entitled to the license for which he applies, as may be required by the commission, but no written application shall be required when the applicant applies in person to a county clerk or issuing agent for a hunting, trapping or fishing license. Verified application shall be required for settlers' hunting licenses, fur dealer's license and wholesale fish markets license.

(3) FORM OF LICENSE. Each license shall state for what year the same is issued and the date of expiration, and except as otherwise provided shall be effective only from the first day of September until the next succeeding thirty-first day of August, subject to the conditions, limitations and restrictions prescribed in this chapter. Resident rod and reel licenses shall be effective from the date of issuance to the succeeding thirtieth day of April. Each license issued shall further state the name and residence of the licensee, a description of his person, and such other matter as may be determined by the commissioners; shall bear upon its face a true signature of the licensee and the date of issuance; and shall be signed by the issuing agent. All licenses shall be issued in the English language with ink only.

(4) DUPLICATES. Whenever any such license is lost the person to whom the same was issued may present to the authority from whom he purchased the license an affidavit proving such loss, together with a fee of fifty cents, whereupon a duplicate license shall be issued to such person. After application furnished him by the county clerk or conservation commission has been properly filled out and sworn to, such application and fee shall then be forwarded to the conservation commission at the time of making the next regular monthly report and remittance.

(4a) DUPLICATE DEER TAG. Whenever any deer tag is lost the person to whom the same was issued may present to the county clerk of his county an affidavit proving such loss, together with a fee of fifty cents, whereupon such county clerk shall issue a duplicate deer tag to such person.

(5) SUPPLY OF BLANKS. The commission shall prepare, procure the printing of, and supply all necessary blanks for such licenses and applications. The licenses shall be

numbered consecutively, at the time of printing, in a separate series for each kind of license; and each license blank shall be provided with a corresponding stub numbered with the serial number of the license. Each requisition for the printing of such license blanks shall specify the serial numbers thereof.

(6) LICENSES ISSUED BY COUNTY CLERK. Of each license issued by a county clerk he shall retain the stub for record in his office. Such stubs shall be filed in alphabetical order by the county clerk immediately after licenses are issued. The state conservation commission or its deputies may at any time examine such records.

(7) RETURN OF FEES BY COUNTY CLERK. Of the fees paid for such licenses the county clerk may retain ten per cent as compensation for his services to the state, except that the clerk shall receive 6% per cent of the fees paid for hunting licenses; the remainder he shall return to the state conservation commission on the first day of each month, with a report of the number of licenses issued by him during the preceding month and the amount of money thus remitted. All stubs of licenses issued and all unused license blanks shall be returned by the county clerk to the commission at the close of the year for which they are supplied.

(8) RECORD OF LICENSES ISSUED. A complete record of all licenses issued shall be kept by the commission, which shall also be accountable for all unused license blanks. [1931 c. 351 s. 2; 1933 c. 243 s. 1; 1933 c. 370; 1935 c. 213; 1939 c. 182; 1943 c. 343, 434]

**Note:** It is unlawful for one duly licensed and who has tag for deer to shoot more than one buck deer during open season. Anyone who attaches his tag to second deer shot by one person violates statute which prohibits having in possession illegal deer. 21 Atty. Gen. 1103.

Deputy county clerks may issue licenses

under direction of county clerks in any part of county. County clerk is not entitled to ten per cent when license is issued by conservation commission. He is responsible for state share of moneys received for licenses issued by him. He must keep alphabetical index only of persons to whom he issued licenses. 22 Atty. Gen. 878.

**29.10 Resident hunting licenses and deer tags.** Resident hunting licenses and deer tags shall be issued subject to the provisions of section 29.09, by the county clerks of the several counties upon blanks supplied to them by the state conservation commission, to residents of each county duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is \$1.50. Such license does not grant the privilege of hunting deer unless the licensee is in possession of a deer tag which shall be issued to him by the county clerk on application and the payment of an additional fee of \$1. Of the proceeds from the sale of each deer tag, 50 cents shall be used exclusively for the acquisition of county-owned cedar swamps and the provision of winter feed for deer. The commission may cause such tags to be issued through agents, but no commission to be allowed for the sale of such tags. County clerks, issuing agent or conservation commission shall place the number of deer tag in upper right hand corner of the hunting license. The sum of 50 cents arising from the sale of each resident license, shall be used exclusively for the acquisition, maintenance and administration of public hunting and fishing grounds, and the adjustment and payment by the conservation commission of damages arising as a result in the operation of the same. [1931 c. 351 s. 2; 1931 c. 428; 1939 c. 182; 1943 c. 434]

**29.11 Settlers' hunting licenses.** Settlers' hunting licenses subject to the provisions of section 29.09 may be issued by the state conservation commission in its discretion, to actual settlers in this state duly applying therefor who have resided in this state less than one year but not less than sixty days next preceding the application. A bona fide settler shall be a person who has either purchased or rented, or has negotiations in progress to purchase or rent farm or residence property in Wisconsin and who has moved to and settled in this state, or any member of his family of the age of fifteen years or over. Such licenses shall be in substantially the same form, subject to the same conditions and restrictions, and entitle the holder to the same rights, privileges and immunities as a resident hunting license. No nonresident hunting license shall be issued in the same year to any person to whom a settlers' hunting license has been issued, and no settlers' hunting license to any holder of a nonresident hunting license.

**29.12 Nonresident hunting licenses.** (1) Nonresident hunting licenses shall be either general, limited, archer (bow and arrow) hunting, or shooting preserve hunting, and shall be issued by the state conservation commission, subject to the provisions of section 29.09, to persons duly applying therefor who are not residents of this state or who have resided therein less than one year next preceding the application. The fee for each such general license is \$50, for each such limited license \$25, for each such archer (bow and arrow) hunting license \$5, and for each such shooting preserve hunting license \$5.

(2) Each such general license shall extend to the hunting of all wild animals during the open season therefor, respectively, and shall be accompanied by a deer tag, numbered to correspond with the license and to be supplied without additional fee.

(3) Each such limited license shall extend to the hunting of all wild animals during

the open season therefor, respectively, except deer. The holder of such limited license may at any time before its expiration surrender the same for cancellation, and in lieu thereof, upon payment of an additional fee of twenty-five dollars, the commission shall issue to him a general license as prescribed in subsection (2).

(3a) Each such archer (bow and arrow) hunting license shall extend to the hunting of deer only and shall be accompanied by a deer tag numbered to correspond with the license and to be supplied without additional fee. In addition a special archery deer tag shall be secured without cost upon application filed with the state conservation commission and a report shall be made to the commission of each deer taken in such manner and under such conditions as is prescribed by commission order. Hunting with a cross-bow of any nature is prohibited.

(4) Each such shooting preserve hunting license shall extend to hunting during the open season, for pheasants only, upon shooting preserves licensed under section 29.573, and then only for such birds as are covered by the license and in accordance with the provisions of said section except that the holder of such license may hunt pheasants only upon bird farms licensed under the provisions of section 29.574, said pheasants to be marked in a manner prescribed by the conservation commission. [1935 c. 395; 1937 c. 305; 1939 c. 202; 1941 c. 256]

**29.13 Trapping licenses.** (1) Trapping licenses, which shall authorize the use of traps for trapping fur-bearing animals, shall be issued by the state conservation commission, or by the county clerks of the several counties on blanks supplied by the commission, subject to the provisions of section 29.09, to persons duly applying therefor who have resided in this state for at least one year next preceding the application. The fee for each such license is one dollar. If a trapper employs any person in trapping, a license shall be required for each such person so employed. Each trap used under a trapping license shall be tagged with a metal tag which shall be stamped showing the year for which the tag is issued. Such tags shall be furnished by the conservation commission or the county clerk upon payment of five cents for each tag required; the county clerk to be allowed ten per cent for the sale of such tags. All untagged traps shall be seized and confiscated, and the owner or person using or attending the same shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished further as provided in paragraph (d) of subsection (1) of section 29.63 and subsection (3) of section 29.63.

(2) All shipments of hides must be marked showing the number and kinds of hides in the package, the name and address of the shipper, and the number of his trapping license.

(3) On or before June first of each year, such licensee shall report to the state conservation commission, by affidavit, on blanks furnished by the commission, the number of his license, the number and value of each variety of animals taken during the previous twelve months ending May first, and such other information as may be required on the blanks furnished.

(4) In agricultural lands on which the owner or renter resides no person or party shall take any beaver or muskrat or mink without a written consent from the owner or occupant of said land.

(5) No person shall molest or appropriate any traps, or take or appropriate the animal or contents of any trap, when such trap shall have been lawfully set out and shall be duly tagged in compliance with the provisions of this section. [1935 c. 202, 333; 1937 c. 168]

**29.134 Fur dealers regulated.** (1) For the purpose of carrying out the provisions of this section the following definitions for the expressions used are:

(a) "Raw fur" means the undressed skins or pelts of any fur-bearing animal.

(b) "Dressed fur" means the dressed or tanned skins of any fur-bearing animal, but does not include fur in the manufactured article.

(c) "Resident fur dealer, Class A" means persons, firms and corporations having an established post or place of business in the state where they carry on the business of buying, bartering, trading and otherwise obtaining raw or dressed furs, to the amount of two thousand dollars or more each year.

(d) "Resident fur dealer, Class B" means persons, firms and corporations having an established post or place of business in the state where they carry on the business of buying, bartering, trading and otherwise obtaining raw or dressed furs, to the amount of more than two hundred dollars and less than two thousand dollars each year.

(e) "Resident fur dealer, Class C" means persons, firms and corporations having an established post or place of business in the state where they carry on the business of buying, bartering, trading and otherwise obtaining raw or dressed furs, to the amount of less than two hundred dollars each year.

(f) "Fur dresser or dyer" means a person engaged in the business of dressing, dyeing, tanning and otherwise preparing furs to be made into manufactured articles.



(g) "Itinerant fur buyer" means persons, firms or corporations other than resident fur dealers who engage in the business of buying, bartering, trading or otherwise obtaining raw furs from trappers or from fur buyers or fur dealers in retail lots for purposes of resale.

(2) No person, firm or corporation shall engage in the business of buying, bartering, bargaining, trading or otherwise obtaining raw furs until they shall have first secured a license therefor issued under the provisions of this section.

(3) Licenses shall be issued by the state conservation commission upon application. The form of application and license shall be prescribed by the conservation commission.

(4) The fees for such licenses shall be as follows: Resident fur dealer, Class A, twenty-five dollars; resident fur dealer, Class B, ten dollars; resident fur dealer, Class C, one dollar; fur dresser or dyer, twenty-five dollars; itinerant fur buyer, two hundred dollars.

(5) Persons, firms or corporations who have not had a place of business in the state for at least one year immediately preceding the date of application for such license, shall be issued itinerant fur buyers' licenses only.

(6) Each license shall bear upon its face the date of issuance, and all licenses shall expire on the thirtieth day of September following such date. Every such license shall be shown to the state conservation commission or its deputies upon request.

(7) All packages of raw furs shipped or transported by any person, firm or corporation shall have plainly marked on the outside of the package or shipment the kinds and number of furs therein, the license number, and the name of the consignor and the consignee.

(8) No person on his behalf or as an agent for a person, firm or corporation, express company or other common carrier, shall at any time or in any manner receive for shipment or cause to be received for shipment out of or in the state, any package of fur or furs unless the same is plainly marked on the outside of the package as to the number and kinds of fur contained therein, the license number, and the addresses of the consignor and consignee.

(9) All beaver, otter, fisher and marten skins shipped into this state from Canada and other states when there is a closed season for such furs in this state must, upon arrival, be shown by any person, firm or corporation receiving such furs to the state conservation commission or its deputies, when received, and such commission or its deputies shall stamp or mark said furs with a stamp or tag furnished by said commission to show such furs are legally held and possessed.

(10) Nothing in this section shall prohibit persons from buying raw or dressed furs for the purpose of making themselves garments or robes of any kind, but such persons shall apply to the state conservation commission or its deputies, for permits to buy such furs.

(11) Any person, firm or corporation who shall violate the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment. [1931 c. 423]

**Note:** One who established place of business in this state where he carries on buying, and trading of furs, may be granted Class A resident fur dealer's license, although he has no residence in state. 20 Atty. Gen. 1116.

**29.135 Wholesale fish markets, license.** (1) Every person who deals in fish by operating a wholesale fish market or fish house shall secure a license from the state conservation commission, subject to the provisions of section 29.09. Every license shall expire on December 31, and the fee for such license is \$25. For the purpose of this section all persons who purchase fish and sell them to anyone other than a consumer shall be considered a wholesale dealer. This includes all fish other than fish that are cooked in cans and ready for table use, or pickled fish, or fish meal.

(2) No person holding a license issued under the provisions of subsection (1) of this section shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any fish or carcass or part thereof, unless the same is labeled in plain English on the address side of such package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish contained in such package or parcel, and the number of his license.

(3) Any person licensed under the provisions of subsection (1) of this section may, at any time, sell, purchase or barter, or offer to sell, purchase or barter, or have in his possession, or under his control, for the purpose of sale or barter, any commercial fish, which was lawfully taken either in this or in another state. Such person shall keep a separate record of the purchase of such fish in such form as shall be required by the state conservation commission, and such record shall at all times be open to its inspection and that of its deputies.

(4) Any person licensed under the provisions of subsection (1) of this section who has illegal fish in his possession or who violates any of the provisions of subsection (2) of this section shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment. [1943 c. 349]

**Note:** Wholesale grocery which deals in fish is required to secure license. 20 Atty. Gen. 173. not wholesaler within contemplation of this section. 26 Atty. Gen. 192.

Licensed wholesale fish dealer may possess more bullheads than bag limit set up by conservation commission order No. F-113. 24 Atty. Gen. 810. One soliciting business for out-of-state wholesale fish house who does not purchase or operate wholesale fish market or fish house but is occasionally named as consignee for purposes of shipping to out-of-state fish house is not required to be licensed under this section. 27 Atty. Gen. 392.

**29.136 Taxidermists, license required.** (1) No person shall engage in the business of a taxidermist, as the term is generally understood, nor, for a consideration, mount, preserve, or prepare the dead body of any bird, animal, or fish, or any part thereof unless he shall first have secured a taxidermist's license from the state conservation commission. Such license shall be renewed annually and shall expire on the thirtieth day of September of each year. The fee therefor shall be five dollars.

(2) Every taxidermist shall keep a record and make an annual report to the state conservation commission, on forms which it shall supply, of all articles received in his business as a taxidermist, the kind and number of each, by whom owned, the residence of the owner; and of all shipments of such articles, by and to whom and where shipped, and the owner's address. All such records of taxidermists shall be subject to inspection by the conservation commission at any time.

(3) Any person who shall violate the provisions of this section shall upon conviction be fined not less than fifty or more than one hundred dollars, or be imprisoned in the county jail for not less than ten nor more than sixty days. [1931 c. 127]

**29.14 Nonresident fishing licenses; exception.** (1) Any nonresident under the age of sixteen years, may without a license take, catch or kill with hook and line or rod and reel fish of any variety, subject to all other conditions, limitations and restrictions prescribed in this chapter.

(2) Any nonresident over the age of 16 years shall have the rights of a resident to take, catch or kill fish of any variety with hook and line or with rod and reel in outlying waters. Such nonresident may take, catch or kill fish, or fish for fish with hook and line or with rod and reel in inland waters only if a license has been duly issued to him, subject to the provisions of section 29.09, by the state conservation commission. The fee for each such license entitling the holder to take, catch or kill fish with hook and line of any variety, subject to the provisions of section 29.09, shall be \$3, and all such licenses shall be effective only from May 1 until the next succeeding April 30. Upon payment of an additional fee of \$2 the original purchaser of such license shall be entitled to receive 3 coupons entitling him to make 3 separate shipments of game fish of 20 pounds or one fish of any weight as provided in section 29.47, but no more. One coupon shall be attached to each shipment so made. The agent of any common carrier who shall accept any such shipment without a coupon attached shall be guilty of a violation of this chapter, and shall be punished by a fine of not less than \$25 nor more than \$50. The commission may cause such licenses or coupons to be issued through agents for a compensation of 10 per cent of the license fees collected therefor; but no such compensation shall be paid to any of its regular deputies or other employes. Provided, a combination fishing license may be issued to a nonresident husband, wife, and children of 18 years or less, to be effective for a period of 10 days, for the sum of \$5. [1931 c. 351 s. 2; 1933 c. 243 s. 1; 1939 c. 182; 1943 c. 222]

**29.145 Resident fishing licenses; exception.** (1) Any person who has resided in this state for one year may in open season without license take, catch or kill fish or fish for fish with one hook and line only, but no resident person shall take, catch or kill fish or fish for fish with more than one hook and line or with rod and reel without first procuring a resident fishing license, subject to all other conditions, limitations and restrictions prescribed in this chapter, except that any person under eighteen years of age may fish with a rod and reel without a license.

(2) Resident fishing licenses shall be issued subject to the provisions of section 29.09 by the conservation commission or by county clerks of the several counties to residents of the state duly applying therefor, who have resided in the state at least one year next preceding the application. The fee for each such license shall be one dollar. [1933 c. 243 s. 2; 1939 c. 521]

**Note:** Riparian owner who is resident of this state must secure rod and reel license required by sec. 29.145, Stats. 1937, to fish on lake of which he owns entire shore line. 27 Atty. Gen. 563. Under (2) conservation commission may issue resident fishing licenses through issuing agents of its choice. 29 Atty. Gen. 174.

**29.147 Sportsmen's licenses; fees; application.** (1) Sportsmen's licenses shall be issued by the state conservation commission or its authorized agents to any resident of this state over the age of 15 years and being a citizen of the United States duly applying therefor and paying a license fee as herein prescribed. The minimum fee for each such sportsmen's license is \$5, but any applicant, at his option, may pay an additional or greater fee therefor. Licenses may be issued as of April 30 or August 31 in each year and expire one year from the date of issue.

(2) The application for such license shall state the residence and post-office address of the applicant, a description of his person, and such other facts, showing him to be entitled to such license, as the commission may require. Application blanks shall be furnished by the commission and, except as herein stated, shall be in such form as the commission may prescribe.

(3) Each license shall state the year for which the same is issued, the name and residence of the licensee, a description of his person, and such other matter as may be determined by the commission, and shall bear upon its face a true signature of the licensee, and the seal of the conservation commission or the signature of its duly authorized agent issuing it. Such license shall be carried on the person of the licensee at all times when he is engaged in hunting, trapping or fishing and shall be exhibited to the state conservation commission or its deputies on demand. Such license shall be in lieu of, and confer upon the licensee all the combined rights and privileges conferred by, a resident hunting and fishing license, deer tag, bear tag, and trapping license, subject, however, to all the duties, conditions, limitations and restrictions prescribed in this chapter, and by conservation commission order.

(4) The conservation commission or its duly authorized agents issuing any such license shall furnish to the applicant a deer tag and a bear tag during years of open season for such animals. [1937 c. 164; 1943 c. 196]

**29.15 Other licenses.** Guiding licenses, net and set line licenses, and clamming licenses, shall be issued by the state conservation commission as provided in subsection (3) of section 29.22 and sections 29.33, 29.34, 29.35, 29.37 and 29.38, respectively. [1943 c. 104]

**29.16 Interstate license privileges.** Whenever and so long as the states of Minnesota or Iowa confer upon the licensees of this state reciprocal rights, privileges and immunities, any hook and line or other fishing license, or clamming license issued by such other state shall entitle the licensee to all the rights, privileges and immunities, in and upon the boundary waters between such state and this state, enjoyed by the holders of equivalent licenses issued by this state; subject, however, to the duties, responsibilities and liabilities imposed on its own licensees by the laws of this state.

**29.17 Certificates to scientists.** (1) The state conservation commission may grant, on satisfactory testimonials of well-known scientists only, a certificate to any member of an incorporated society of natural history, or to any professor of any university, school or college, or to any person properly accredited by any such institution, or to any custodian of a public museum, authorizing such person or institution to collect for scientific purposes only, any nests, eggs, or wild animals, except deer. Such specimens may be transported by any common carrier; but no person to whom such certificate is issued shall dispose of any such specimen except in exchange for scientific purposes. All such certificates shall expire on the first day of January following the date of their issue, and shall not be transferable.

(2) The application for such certificate shall be made upon blanks to be furnished by the state conservation commission, shall be accompanied by a fee of two dollars, and the applicant shall execute and deliver to the state conservation commission a bond running to the state of Wisconsin, in the sum of one hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the requirements of this section, and the certificate issued thereunder, said obligation to be null and void, otherwise to remain in full force. Each said surety shall be worth and qualify in at least the sum of one hundred dollars, over and above all his debts and liabilities, in property within this state not exempt from sale on execution.

(3) The certificate of any person convicted of a violation of this section shall be forfeited and revoked, and such convicted person shall not be entitled to another certificate for the period of one year from and after the date of such conviction.

**29.174 Conservation of fish and game; powers of commission.** (1) There shall be established and maintained, as hereinafter provided, such open and close seasons for the several species of fish and game, and such bag limits, size limits, rest days and conditions governing the taking of fish and game as will conserve the fish and game supply and insure to the citizens of this state continued opportunities for good fishing, hunting and trapping.

(2) It shall be the duty of the conservation commission and it shall have power and authority to establish open and close seasons, bag limits, size limits, rest days and other conditions governing the taking of fish or game, in accordance with the public policy declared in subsection (1). Such authority may be exercised either with reference to the state as a whole, or for any specified county or part of a county, or for any lake or stream or part thereof.

(3) The conservation commission may exercise the authority conferred upon it in subsection (2) either on its own motion or on petition from any group of citizens. Provided, that upon petition of not less than one thousand citizens in case of a contemplated order affecting the entire state or a part thereof larger than two counties, or of not less than fifty citizens residing in the county if but a single county or part thereof is affected, or of not less than one hundred citizens residing in the two counties if not more than two counties or parts thereof are affected, the commission shall conduct one or more public hearings upon such proposed order, at a place convenient to the petitioners. Notice of such hearing shall be published at least once a week for three successive weeks in the official state paper in the case of an order affecting the entire state, and in such newspapers as will fairly advise the residents of the community affected in the case of an order affecting a part of the state only. At the hearing, any person having any testimony to present which bears upon the contemplated order shall be given an opportunity to be heard. A complete stenographic record shall be kept of all testimony taken.

(4) The conservation commission shall make such investigations relative to any petition or proceedings under this section as it may deem necessary, and shall have power to organize advisory committees to advise it on any matter under consideration, members of such committees shall receive no compensation but shall be reimbursed their actual and necessary expenses.

(5) All orders promulgated, under the authority of this section, shall take effect, upon approval of the governor and after publication in the official state paper and in such other newspapers as the conservation commission may deem advisable to fairly advise the residents of the communities affected by the provisions of such orders. A copy of all orders shall before publication be filed with the secretary of state.

(6) All orders of the conservation commission in conformity with law shall be valid and in force at the time specified therein and shall be prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, or until altered or revoked by the commission or by act of the legislature.

(7) Every order in conformity with law, made under authority of this section, shall in every prosecution for violation thereof be conclusively presumed to be just, reasonable and lawful, unless prior to the institution of prosecution for such violation the person charged with such violation shall have brought an action to vacate and set aside such order, as provided in this section.

(8) Any order of the commission shall be subject to review in the manner provided in chapter 227, except that if the order affects only the county in which the appellant resides, the appeal shall be to the circuit court of such county.

(9) The present statutes regulating open and close seasons, bag limits, size limits, rest days and other conditions governing the taking of fish or game shall continue in full force and effect until modified by orders of the conservation commission, as provided in this section, or by subsequent acts of the legislature.

(12) Nothing in this section shall be construed to confer upon the conservation commission the power to alter any provisions of the statutes relating to forfeitures, penalties, license fees or bounties.

(13) The state of Wisconsin assents to the provisions of the act of Congress entitled "An act to provide that the United States shall aid the states in wildlife-restoration projects, and for other purposes," approved September 2, 1937 (Public No. 415, 75th Congress), and the conservation department is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of co-operative wildlife-restoration projects, as defined in said act of Congress, in compliance with said act and with rules and regulations promulgated by the secretary of agriculture thereunder; and no funds accruing to the state of Wisconsin from license fees paid by hunters shall be diverted for any other purpose than the administration of the division of fish and game of said department. [1933 c. 152 s. 2; 1937 c. 366; 1939 c. 234; 1943 c. 375 s. 4]

**Note:** Conservation commission order M-40, prohibiting carrying of gun more powerful than .22 calibre rifle at any time prior to five days before deer hunting season, is valid order and can be questioned only in manner provided by 29.174 (7) and (8) (a). 27 Atty. Gen. 87.

See note to 60.29, citing 27 Atty. Gen. 705.  
See note to 133.01, citing 28 Atty. Gen. 165.  
State has not ceded to federal government jurisdiction over the Necedah migratory waterfowl refuge under either 1.056 or 1.036 or otherwise. Regulation of hunting and trapping in this area is vested in con-

servations commission under 29.174, regardless of president's executive order. 28 Atty. Gen. 259.

Conservation commission orders issued under (5) must be published in official state paper. It is discretionary with commission

as to what other paper, if any, is also to be used for publication of order, but such discretion must not be abused and should be honestly exercised in accordance with facts pertaining to each particular order. 30 Atty. Gen. 133.

**29.175 Open season for upland birds, powers of commission.** The conservation commission, upon first making an investigation and finding, is authorized to designate, at any time, an open season for any variety of upland birds, within a designated area when the supply of such birds warrants an open season. The commission shall during such time take added precaution for the protection of all game within such area. [1931 c. 64 s. 2]

**29.176 to 29.193** [Repealed by 1939 c. 438, 476]

**29.194 Polk county lakes closed.** No person shall hunt or trap any game on North or South Twin lakes nor on Pike lake in Polk county.

**29.195 Rush lake, close season.** [Omitted because superseded by conservation commission order F-481]

**29.196 Starkey's lake, close season.** [Omitted because superseded by conservation commission order F-481]

**29.197** [Repealed by 1939 c. 438]

**29.20 Close season for crawfish and frogs.** [Omitted because superseded by conservation commission order F-481]

**29.201 Gilbert's lake, close season.** [Omitted because superseded by conservation commission order F-481]

**29.202** [Repealed by 1939 c. 438, 476]

**29.205** [Repealed by 1939 c. 438]

**29.206** [Repealed by 1933 c. 67]

**29.207** [Repealed by 1933 c. 98 s. 1]

**29.208** [Repealed by 1939 c. 438]

**29.209** [Repealed by 1929 c. 338 s. 1]

**29.21 Powers of commission.** The state conservation commission may issue pamphlets and bulletins from time to time, and may also issue a publication or magazine at such stated intervals as they may determine, all pertaining to fish and game, forests, parks and other kindred subjects of general information and may sell subscriptions thereto. Provided, however, that in case a publication or magazine is issued under the authority thereof, the same must be self-sustaining, and no moneys, except from the receipts therefrom, shall ever be used therefor; and provided further that in case said publication or magazine shall not be so self-sustaining, or shall cease so to be, the same shall thereupon cease to be issued.

**Note:** Under this section state conservation commission may issue monthly bulletins of educational nature covering activities of commission and discussions of conservation problems. Expense of publication may be borne out of general appropriation

to commission. But any publication or magazine issued by commission on commercial basis must sustain itself through subscriptions, advertising, etc., and may not be paid for out of commission funds. 29 Atty. Gen. 217.

**29.212 Little Brule river.** (1) No person shall take, catch or kill any fish in the Little Brule river, on state owned land in section twenty-three, township forty-seven north, range ten west, in Douglas county. [1939 c. 476]

**29.22 General restrictions on hunting.** (1) **PROHIBITED METHODS.** No person shall hunt game with any means other than the use of a gun held at arm's length and discharged from the shoulders or a bow and arrow; or place, spread or set any net, pitfall, snare, spring gun, pivot gun, swivel gun, or other similar contrivance for the purpose of catching or which might catch, take or ensnare game; or use or have in his possession or under his control any ferret, rat, weasel, or guinea pig while hunting; and no person shall carry with him in any vehicle or automobile, any gun or rifle unless the same is unloaded, and knocked down or unloaded and inclosed within a carrying case. No person while hunting or in possession of firearms shall have in possession or under control any light used for the purpose of shining deer. No person shall shoot with a rifle at wild ducks, coot, mud hens, wild geese or brant when any such birds are on the surface of the water or ice of any lake. No person shall, except on his own land have in possession or under his control any rifle or shotgun on any of the inland waters of the state or in places where aquatic fowl are to be found from the fifteenth day of August to the opening date for hunting aquatic game birds, nor shall any person have in possession any firearms in territory wherein there is an open season for deer for a period of five days prior to the opening date for deer hunting unless in either case the game gun or rifle is unloaded or knocked down, or unloaded and within a carrying case.

(2) **POSSESSION OF FERRETS.** No person shall have in his possession or under his control at any time any ferret unless a permit therefor has been issued to him by the state

conservation commission; but such permit shall not authorize the use of any ferret for hunting game except in Door county.

(3) **GUIDE LICENSES.** (a) No person shall engage, or be employed, for any compensation or reward, to guide, direct, or assist any other person in hunting, trapping, or fishing unless a license therefor, subject to the provisions of section 29.09, has been duly issued to him by the state conservation commission. The fee for each such license is one dollar, and all such licenses shall be effective only from the first day of May until the next succeeding thirtieth day of April. The applicant shall deliver to the state conservation commission an oath of office that he shall well and faithfully perform the duties of his office as a guide licensed by the state conservation commission to guide, direct and assist other persons in hunting, trapping and fishing, and observe and comply with all the requirements of chapter 29 of the statutes, and of his said guide license. But this subsection does not apply to the employment of labor by, or services rendered to, the licensee of any net fishing license.

(b) A conviction, or a judgment for damages, or both, by any court of this state for trespassing on the posted lands of any person, firm or corporation, of or against any person holding or owning a guide license, issued to him under the provisions of this section, shall cause the revocation of said guide license and no similar guide license shall be issued to said person for a period of ninety days after the date of such conviction or judgment.

(5) **HUNTING RESTRICTED AREAS.** No person shall hunt within seventeen hundred feet of any hospital or sanatorium. The conservation commission may furnish signs designating the restricted area. No conviction shall be had for a violation of this subsection unless the restricted area is designated by such signs. [1931 c. 121; 1931 c. 351 s. 1, 2; 1933 c. 337; 1935 c. 314; 1937 c. 335]

**Note:** An automatic repeating rifle having loaded cartridges in the magazine, but none in the barrel, is a "loaded gun." State v. Alt, 215 W 387, 254 NW 533.

Hunting license is void when obtained on application and affidavit of one who, on being charged with carrying loaded gun in automobile, entered plea of nolo contendere and was advised that his old license was thereby revoked and his right to new license taken away for year. 19 Atty. Gen. 563.

Carrying loaded gun in vehicle unless

same is unloaded and knocked down or unloaded and inclosed within carrying case is violation of this section and is criminal offense. 22 Atty. Gen. 1024.

Extent of warden's power of search and seizure under 29.22 (1) and 29.05 (6) and (7) and elements of offense under said sections and Order No. M-40 are discussed at length in 27 Atty. Gen. 627.

Opinions in 22 Atty. Gen. 1024 and 26 Atty. Gen. 14 as to carrying gun are overruled in 27 Atty. Gen. 627.

**29.23 Deer hunting.** (1) **PROHIBITED METHODS.** No person shall hunt deer between one hour after sunset and one hour before sunrise, of the following morning; or in the water or on the ice of any stream, lake, or pond; or with a dog or dogs; or with the aid of artificial light; nor place any salt in any place for the purpose of enticing deer thereto, or construct, occupy, or use any elevated scaffold or other device for the purpose of hunting, watching for, or killing deer.

(2) **DOGS IN CAMPS.** During the period from a day five days before the opening of the season for hunting deer to a day five days after the close of such season in the counties where there is an open season for deer, no person shall hunt any wild animal with a dog or dogs; nor have a dog or dogs in his possession or under his control in or about a hunting or logging camp, unless a permit therefor has been issued to him by the state conservation commission.

**29.24 Fur-bearing animals; method of taking.** (1) No person shall hunt any mink or muskrat with the aid of any spear, gun, or dog, disturb or molest any raccoon or skunk den or tree for the purpose of capturing the raccoons or skunks, or any muskrat house, beaver house or beaver dam; or set any trap or traps at any time within five hundred feet of any beaver house or beaver dam.

(1a) No person shall place on the ice of any of the waters of this state any artificial muskrat house for the purpose of taking, catching, or killing muskrat, or place or set therein any trap or traps of any kind which might take, catch, or kill muskrat or any other protected fur-bearing animal.

(2) The owner or occupant of any land, and any member of his family may without license hunt thereon rabbits and squirrels at any time.

(3) Except as provided in subsection (2), no person shall have in his possession or under his control, or use, for hunting rabbits, any ferret, snare, trap, or any device or contrivance designed or used for the purpose of driving rabbits out of their holes or dens. The owner or occupant or any person upon written request of the owner or occupant of any land in the county of Door may use a ferret thereon for hunting rabbits.

(4) No person shall hunt or pursue any wild game or animals in the nighttime with a dog for the period of forty-five days prior to the open season for raccoon. Any dog used or found being used for such purpose shall be deemed a public nuisance.

(5) No person shall set a steel-jawed trap or any trap which might kill or injure

birds, on a pole, post, tree stump or any other elevated perch more than three feet above the ground. [1933 c. 166; 1937 c. 234]

**Note:** Words "member of his family" in or daughters who do not live with their (2) do not include employes nor any sons parents. 24 Atty. Gen. 664.

**29.25 Game birds; hunting. (1) PROHIBITED METHODS.** No person shall hunt any game bird between sunset and thirty minutes before sunrise of the following morning; or by shooting it or at it from any boat, canoe, raft, blind, contrivance or device in open water except as otherwise provided in this section, or from any boat or craft other than such as are propelled by paddle, oars or pole or with the use of more than fifty decoys within, or any decoys beyond, two hundred feet from the blind or covering in which the hunter is located, or with any decoys left in the water unattended; or any game bird other than wild geese and brant with the use of a rifle.

(2) "OPEN WATER" DEFINED. "Open water" is any water outside or beyond a natural growth of vegetation extending over the water surface, and of such height as to offer partial or whole concealment for the hunter.

(2a) **BLINDS IN ST. CROIX, PIERCE, BUFFALO AND PEPIN COUNTIES.** (a) In any of the waters of the Mississippi river, the St. Croix river, Lake St. Croix, and Lake Pepin, and their bays, bayous and sloughs wherein they border on the counties of St. Croix, Pierce, Buffalo and Pepin, and in any of the inland lakes of these counties, it shall be lawful for any person or persons to use blinds for the purpose of taking, catching, killing, and shooting at wild ducks, wild geese, wild brant, or other aquatic fowl, that are set, placed, or located not more than one hundred feet from any shore line during the open season for such game birds. Such blinds shall in all instances be securely anchored to the place or spot where they are to be used.

(b) In any of the waters described in paragraph (a), it shall be unlawful for any person or persons to occupy in any manner any blind used for the purpose of hunting wild ducks, wild geese, wild brant, or similar aquatic fowl before twenty minutes previous to shooting time in the morning nor for a greater length of time than twenty minutes after shooting time in the evening; nor shall any person or persons use in said waters in any manner for the purpose of hunting, taking, catching, killing, or shooting at wild ducks, wild geese, wild brant, or other aquatic fowl any turtle-back boat or any blind submerged under the water in any manner.

(3) **LIVE DECOYS.** The set of fifty decoys allowed for each hunter used on the water in hunting game birds may include not more than five live decoys; but each such live decoy so used shall be provided with a registration tag, which shall be issued by the state conservation commission to any holder of a hunting license on payment of a fee of ten cents for each tag.

(4) **USE OF DOGS.** No person carrying or being in possession of a gun shall run or use a dog or dogs in the field, or upon lands frequented by game birds or upon which game birds may be found, for a period of ten days preceding the opening date for hunting prairie chickens and grouse. [1933 c. 324]

**Note:** It is lawful to shoot ducks from island. 19 Atty. Gen. 561.

"Open water" includes water where frost has destroyed weed condition to extent that weeds offer no concealment of hunter. 20 Atty. Gen. 774.

"Open water" includes water where some one has destroyed weed conditions to extent that weeds offer no partial or whole concealment of hunter. 23 Atty. Gen. 827.

**29.255 Training of retrieving dogs and regulations for retriever trials.** The conservation commission shall have authority to adopt such rules and regulations governing the training of retrieving dogs and the regulation and conduct of retriever trials as in its opinion are necessary to encourage the use of retrieving dogs and to safeguard the interests of wild life in the state. [1937 c. 196]

**29.256 Taking carrier pigeons.** Any person who shall take, catch, kill, impede in its progress or otherwise interfere with any carrier or homing pigeon shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not more than three months. [1939 c. 23]

**29.26** [Repealed by 1939 c. 438]

**29.27 Prohibited methods of fishing. (2) SNAG LINES.** No person shall set, place, use, have in possession, or under control any snag line or snag pole, snag hook, or parts thereof, or cluster of fishhooks that might be attached to same, designed to be placed in or drawn through the water for the purpose of catching or drawing such hooks into the body of fish. Violations of this subsection shall be punished by a fine of not less than one hundred nor more than two hundred dollars, or by imprisonment in the county jail not less than six months nor more than nine months, or by both such fine and imprisonment. [1933 c. 215; 1939 c. 438]

**Note:** Conservation commission has authority under (2) to forbid possession but not sale of treble hooks that could possibly be used for snagging fish outside of those found attached to spoon hooks, plugs or similar legitimate baits. 22 Atty. Gen. 674.

**29.28** [*Repealed by 1939 c. 438*]

**29.283 Fishing shanties on ice; regulation; penalty.** (1) All buildings, vehicles, tents, fish shanties and similar inclosures or shelters maintained, occupied or used for fishing purposes on the ice of any inland waters where so authorized by the conservation commission or by statute shall have the name and address in English of the person owning or using the same painted on the outside thereof in such manner as to be readily seen and read at all times. All such inclosures or shelters shall be removed from the ice on or before March fifteenth of each year or previous to that time by the order of the conservation commission or by its agents when they feel that the ice has become unsafe for travel thereon.

(2) Any person violating any provision of subsection (1) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment.

(3) Any building, vehicle, tent, fishing shanty or similar inclosure remaining on the ice contrary to subsection (1) of this section shall be termed a public nuisance. The conservation commission and its deputies in their discretion in regard to safety may seize all durable structures and take from the ice thereon and shall hold for a period of thirty days in which the owner must be notified, and after the expiration of such time if the owner does not then appear and make due claim for such, may destroy or sell the same in the name of the state; and the conservation commission and its deputies shall be exempt from all liability to the owner for such confiscation. [*1935 c. 471*]

**29.285 Nets prohibited in named counties.** (2) No person shall have in his possession or under his control in Adams, Barron, Chippewa, Columbia, Dunn, Florence, Forest, Green Lake, Iron, Juneau, Langlade, Lincoln, Marathon, Marquette, Oneida, Portage, Rusk, Sauk, Sawyer, Taylor, Vilas, Waushara, or Wood counties any trammel, gill, hoop, or any other kind of net or fish trap that might take, catch or kill fish except minnow nets and minnow traps as may be provided in conservation commission orders.

(3) Any person who violates the provisions of this section shall be punished by a fine of not less than \$50 nor more than \$100 or by imprisonment in the county jail not less than 30 days nor more than 60 days or by both. [*1931 c. 319; 1943 c. 104*]

**29.286 Possession of fishing equipment.** (1) No person shall have in his possession or under his control, at any time, in Burnett, Washburn, Polk, Sawyer, Barron, Price, Vilas, Florence, Lincoln, Taylor, Dunn, Chippewa, Marathon, Clark, Eau Claire, Jackson, Wood, Dane, Monroe, Juneau, Adams, Marquette, Waupaca, Shawano, Outagamie, Waushara, Winnebago, Calumet, Fond du Lac, Dodge, Washington, Waukesha, Jefferson, Green Lake, La Fayette, Walworth, Rock, Green or Columbia counties any trammel, gill or hoop net, or any other kind of a net, nets or fish trap that might take, catch or kill fish except minnow nets and minnow traps as may be provided in conservation commission orders; whitefish and eisco nets as provided in section 29.35; and dip nets as may be provided in conservation commission orders.

(2) Nothing in the provisions of this section shall prohibit the state conservation commission or its agents from having in possession, using, or causing the use of any kind of nets as provided under other sections in the statutes, nor prohibit the possession or use of nets by contract fishermen who are operating under the supervision of the state conservation commission.

(3) Nothing in this section shall prohibit any person to have in his possession or under his control in Fond du Lac county any kind of a net, upon receiving a permit to do the same from the state conservation commission who is authorized to issue such a permit whenever the commission deems it advisable. [*1931 c. 382; 1933 c. 404; 1943 c. 104*]

**29.29 Noxious substances.** (1) **EXPLOSIVES; STUPEFACTIVES.** No person shall take, capture or kill fish of any variety in any waters of this state by means of dynamite or other explosives or poisonous or stupefying substances; or place in any waters of this state explosives which might cause the destruction of fish, except for the purpose of raising dead bodies whenever ordered by the public authorities, or for the purpose of clearing a channel or breaking a log jam; or have in his possession or under his control, upon any inland waters, any dynamite or other explosives for the purpose of taking, catching or killing fish. Violations of this subsection shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

(2) **MEDICATED BAIT.** No person shall use, set, lay or prepare in any of the waters of this state any lime, poison, medicated bait, fish berries, or any other substance deleterious



to fish life or which might attract fish in unusual numbers; but the feeding of cisco with oatmeal for the purpose of catching such fish with hook and line through the ice, is lawful.

(3) **DELETERIOUS SUBSTANCES.** No person shall cast, deposit, or throw overboard from any boat, vessel or other craft into any waters within the jurisdiction of the state, or deposit or leave upon the ice thereof until it melts, any fish offal; or throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, tanbark, ship ballast, stone, sand, slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to fish life other than authorized drainage and sewage from municipalities.

**Note:** Shooting of rough fish is not violation of this section. 22 Atty. Gen. 352.

**29.30 Fishing with nets and set lines.** (1) **LICENSE REQUIRED.** Nets and set lines may be used for the purpose of taking, catching, or killing rough fish and game fish, subject to the conditions, limitations and restrictions prescribed in this chapter; but no person shall set, place or use in any waters of this state any net, trap, snare, set hook, or set line, which is intended to or might take, catch or kill fish of any variety, other than a landing net, dip net, minnow seine or minnow dip net, unless a license therefor has been duly issued to such person.

(2) **RESTRICTIONS ON THE USE OF LICENSED NETS AND SET LINES.** The use of licensed nets and set lines is subject, further, to the following conditions:

(a) No apron or other device shall be used in any pound net, which might prevent the escape of small fish through the meshes of the net when it is set or raised.

(b) No net of any kind shall be set so as to shut off more than one-half of any channel or passageway of any stream, or set within one thousand feet of any other net in said stream.

(c) No licensee shall join his net to that of any other licensee.

(d) At each end of every licensed net or set line, when set in any waters, shall be placed and maintained a white flag of not less than sixteen inches square, with the upper end of the staff extending at least two feet above the water, and numbered with figures at least three inches in height corresponding with the number of the license authorizing the use of such net or set line.

(e) The licensees of licensed nets or set lines used in outlying waters shall, on their boats, carry the state conservation commission, or its deputies, to and from their nets or set lines when set and, on demand of such officer, shall raise the same for his inspection; and any such officer is authorized, in the presence or absence of the licensee, at any time, to raise any set line in any waters, with as little damage as may be, for inspection. If any such licensee shall refuse to carry any such officer as herein provided his license shall be revoked and canceled.

(f) No license net shall be drawn or lifted at any time between one hour after sunset and sunrise of the following morning, in any waters other than Lake Superior, Lake Michigan, Green Bay, the Fox river beyond a distance of five hundred feet below the dam at De Pere, Sturgeon Bay and any waters referred to in section 29.35.

(g) No fish of any kind shall be taken or retained in any net, when drawn or lifted, other than the kind or kinds expressly authorized to be taken or retained in such net, as provided in this chapter; and except as provided by conservation commission order any such other kind or kinds of fish coming into or taken in such nets shall be immediately returned, carefully and with as little injury as possible, to the waters from which they were taken. [1931 c. 133; 1939 c. 438; 1943 c. 104]

**29.31, 29.32** [Repealed by 1939 c. 438]

**29.33 Net and set hook fishing in outlying waters.** (1) **LICENSE AUTHORIZED.** No person shall use, set, place or operate in the waters of this state any net, nets, set hook or set hooks for which a license is required until such license has been duly issued to him, which shall authorize the use of one or more of the kinds of nets or set hooks named in this section, as limited therein, for the taking, catching or killing of fish in the waters of Lake Superior, Lake Michigan, the northern part of Green Bay, the southern part of Green Bay, and the Fox river from where it empties into Green Bay to the dam at De Pere. Such license shall be issued, subject to the provisions of section 29.09, by the state conservation commission to any duly qualified person, persons, firm or corporation applying therefor.

(2) **FORM OF LICENSE.** In addition to the facts required by section 29.09, each application for such license, and the license issued therefrom, shall state the name or number and kind of vessel, whether with or without a power lifter, and the quantity or number and kinds of nets or set hooks to be covered by the license applied for, and the gross tonnage of each boat as required under subsection (3) of this section.

(3) LICENSE PERIODS AND FEES; TRANSFER OF LICENSE; NONRESIDENT DEFINED. (a) Each such license shall be effective only from the first day of July until the thirtieth day of June of the succeeding year. Any person having purchased a license under this section between January 1, 1935, and the date that this section becomes effective shall have the right to continue fishing on and with such license until December 30, 1935, and he may then obtain a license to fish from January 1, 1936, to June 30, 1936, for one-half the fee of the regular license. The fee for each license issued to any resident of this state shall be one dollar for each two thousand lineal feet or fraction thereof of a gill net or nets, or set hooks; five dollars for each seine; two dollars for each pound net and leader; fifty cents for each fyke net or drop net with or without a leader; and one dollar for each trammel net. The fee for each license issued to any nonresident of this state shall be three dollars for each two thousand lineal feet or fraction thereof of set hooks; fifteen dollars for each seine; six dollars for each pound net and leader; two dollars for each fyke or drop net with or without a leader; and five dollars for each five hundred feet or fraction thereof of a trammel net.

(b) The nonresident license fee for gill nets operated in conjunction with or from any vessel shall be three dollars for each two thousand lineal feet or fraction thereof used from any boat propelled by oars, paddle, pole or outboard motor boat not to exceed eight horsepower; and for each boat propelled by sail, steam, gasoline, naphtha, electricity or other motive power, the said boat being less than ten tons gross tonnage, one hundred dollars; for each other boat propelled by sail, steam, gasoline, naphtha, electricity or other motive power, the said boat being ten or more tons gross tonnage, fifteen dollars for each gross ton or fraction thereof; provided that no nonresident person, firm, company, copartnership, association or corporation shall be required to pay more than four hundred dollars on any one boat in any one year. For set hooks or gill nets set under the ice by nonresidents without the use of a boat during the winter months, the fee shall be twenty-five dollars for each two thousand lineal feet or fraction thereof. No licenses shall be issued for any nets other than those herein specified.

(c) For the purpose of this section, a nonresident shall be deemed to be any person who has not actually resided within the state of Wisconsin for two years immediately prior to the date of application for a license, or, any person applying for a license for use of a boat registered or of record at a port outside of the state of Wisconsin, or, any firm, company, copartnership, partnership, association or corporation in which any part of their stock, boat, nets and fishing equipment has been owned by nonresident persons, as defined herein, at any time during the six months immediately prior to the date of application for a license.

(d) The director of conservation may, upon application therefor, permit the transfer of a license to any similar boat, tug or launch during such period of time as such licensed boat, tug or launch shall be disabled and undergoing repairs.

(20) PENALTY. Any violation of any of the provisions of section 29.33 shall be punished by a fine of not less than seventy-five dollars nor more than five hundred dollars or by imprisonment in the county jail for not less than three months nor more than nine months, or by both such fine and imprisonment. [1935 c. 84, 224, 423, 497, 529; 43.08 (2); 1937 c. 347; 1939 c. 438; 1943 c. 104]

**Note:** Resident Wisconsin commercial fisherman may purchase boat owned by resident of Michigan and enrolled by federal government in Michigan and upon re-enrollment of boat at Wisconsin port he is en-

titled to resident net and set hook commercial fishing license under this section, permitting use of such boat in outlying waters of Wisconsin. 30 Atty. Gen. 129.

29.335 [Repealed by 1939 c. 438, 476]

29.336 Description of nets; use of. (1) ENTRAPPING NETS. (a) *Fyke net*. A fyke net is a composite net consisting of the following parts:

1. One net of a general hoop or circular-like structure commonly called a crib or pot with numbers of hoops holding, encasing or inclosing net webbing.

2. One or more small funnel-shaped nets commonly called tunnels with a large opening at one end and a small opening or throat at the other end through which the fish can pass from the outer part of the net into the crib or pot. This tunnel or these tunnels are attached to the inside of the crib or pot.

3. Two fence-like nets called wings or hearts attached to and extending obliquely outward from each side of the mouth of the net proper.

4. One fence-like net called a leader running from the center of the tunnel outward between the wings in a straight or angular line away from the net proper.

(b) *Drop net*. A drop net is a composite net consisting of the following parts:

1. One net of a general hoop or circular-like structure called a crib or pot with numbers of hoops holding, encasing or inclosing net webbing.

2. One or more small funnel-shaped nets commonly called tunnels with a large opening at one end and a small opening or throat at the other through which the fish can pass from the outer part of the net into the crib or pot. This tunnel or these tunnels are attached to the inside of the crib or pot.

3. One funnel- or hood-shaped net called a tunnel sloping upward and outward from the pot or crib.

4. Two fence-like nets called wings or hearts attached to and extending obliquely outward from each end of the tunnel.

5. One fence-like net called a leader running from the center of the tunnel outward between the wings in a straight or angular line away from the net proper.

(c) *Short tunnel pound net.* A short tunnel pound net is a composite net consisting of the following parts:

1. One box-like receptacle closed at the bottom and sides and open at the top in which the fish are finally caught or impounded and variously known as a pound, pot or crib, but generally and commonly known in Wisconsin as a pot.

2. Two fence-like nets called hearts set one on each side of the tunnel mouth and used to form a preliminary inclosure resembling a heart in shape with no cover on the top or bottom.

3. One or more funnel-shaped nets commonly called a tunnel or tunnels with a large opening at one end and a small opening or throat at the other through which the fish can pass from the hearts into the pot.

4. One fence-like net called a leader running from the opening in the hearts in a straight or angular line away from the net proper.

5. All pound nets licensed or operated under this section must have their tunnels located and fastened entirely on the inside of the pot of the same, forming a net that is commonly known and called a short tunnel pound net.

(2) ENTANGLING NETS. (a) *Trammel net.* A trammel net is made of three sheets of net webbing, one of them of comparatively small mesh and of fine twine being hung between two sheets of net webbing of much larger mesh and heavier twine. This net is equipped at the top and bottom with lead or maitre cord, line, or rope to which at the top are attached floats and at the bottom, sinkers. The inner web of this net is of considerably greater fullness than the outside web.

(b) *Gill net.* A gill net is a net designed to entangle fish and made of a single web of fine thread hung and fitted at the top and bottom with lead or maitre cord, line, or rope to which are attached at the top, floats, and at the bottom, sinkers.

(3) DRAG NETS; SEINE. A seine is a net made of a circular, square or long webbing of coarse twine hung very full and fitted at the top and bottom with lead or maitre cord, line or rope. To such lines at the top are attached floats, and at the bottom, sinkers. This net is hung with such fullness that it creates or forms a kind of a bag near the center of the net which holds or entraps the fish while the net is being drawn through the waters. It shall be unlawful for any person, persons, firm or corporation to use, set, place or operate in any manner in the waters of the southern part of Green Bay, the northern part of Green Bay, Lake Michigan and Lake Superior, any net or nets that are commonly known as a trawl or otter trawl.

(4) USE OF NETS. (a) *Fyke net.* It shall be lawful for any person or persons, firm or corporation using licensed fyke nets to set, place or operate any number of these nets or the pots or cribs of the same in group or other formation while fastened together by means of leader or similar net webbing.

(b) *Drop net.* It shall be lawful for any person or persons, firm or corporation using licensed drop nets to set, place or operate any number of these nets or the pots or cribs of the same in group or other formation while fastened together by means of leader or similar net webbing, but no such net or nets shall be in any instance equipped with an outside tunnel of a length greater than 15 feet. [1935 c. 380; 1943 c. 104]

29.337 Use of certain nets prohibited; outlying waters. (1) No person shall place, set or operate in any manner in the waters of the southern part of Green Bay, of the northern part of Green Bay, Lake Michigan, and Lake Superior, any submarine entrapping net, deep water trap net, shallow water trap net, long tunnel pound net or any other net of the pound net variety except the legal fyke net, drop net and the short tunnel pound net whose tunnel is placed wholly and within the pot, crib or pound of such net and whose pot, crib or pound is totally uncovered at the top and the hearts of which are totally uncovered at the top and bottom.

(2) Any submarine entrapping net, deep water trap net, shallow water trap net, long tunnel pound net or similar entrapping net other than the legal fyke net, drop net and the short tunnel pound net is contraband and shall be seized and confiscated whenever found in the waters before mentioned or on any vessel or dock or in any fish house adjacent to

such waters. Any such contraband nets so found shall be deemed sufficient evidence of the use of such nets by the owner thereof.

(3) It shall also be lawful for any person, persons, firm or corporation to place, set or operate in any manner in the waters of the southern part of Green Bay, the northern part of Green Bay, Lake Michigan, and Lake Superior any drop net, the hood and hearts of which are covered in any manner on the top or bottom of the same and no tunnel of any drop net used, set, placed or operated in these waters shall be of a greater length than fifteen feet. The pot of any fyke or drop net shall be of a depth not greater than five feet in diameter. The hearts of such nets shall not be covered for a length greater than six feet.

(4) It shall be unlawful for any person, persons, firm or corporation to use, set, place or operate any fyke or drop net of any description in less than forty feet of water on any shore or shores of Door county in Lake Michigan and in Green Bay north of the north line of section 8, township 27 north, range 24 east, from the fifteenth day of May until the following first day of September, both dates inclusive in any year. [1935 c. 423; 1943 c. 104]

**29.34 Net licenses; Mississippi river running waters. (1) LICENSE AUTHORIZED.** Net licenses which shall authorize the use of nets, as limited herein, during the period of time extending from the fifteenth day of June to the next succeeding fifteenth day of April, except that buffalo nets having meshes not smaller than five inches, stretched measure, in the pots; and frame nets whose frame at the entrance is not more than three feet by six feet and whose meshes are not smaller than five inches, stretched measure, to be used for taking rough fish only, may be used in the running waters of the Mississippi river south of La Crosse at all times of the year, for taking, catching, or killing fish in the waters of the Mississippi river and Lake Pepin and the lakes, bays, bayous and sloughs tributary thereto and connected therewith, except the Chippewa river, Beef slough, and all tributaries and inland lakes, bays, bayous and sloughs in Pepin and Buffalo counties, shall be issued subject to the provisions of section 29.09 by the state conservation commission to any resident of the state duly applying therefor.

(2) **BOND.** Before any such license is issued, the applicant shall execute and deliver to the state conservation commission a bond running to the state of Wisconsin, in the sum of two hundred dollars, with two sureties, and conditioned that if the applicant shall well and faithfully observe and comply with all the provisions of this chapter, said obligation to be null and void, otherwise to remain in full force. Each said surety shall be worth and qualify in at least the sum of two hundred dollars, over and above all his debts and liabilities, in property within this state not exempt from sale on execution.

(3) **LICENSE PERIODS; NETS SPECIFIED.** Each such license shall expire on the fifteenth day of April next succeeding the date of its issue, and shall authorize the use of one or more of the following nets only: Seines not exceeding a total length of four thousand feet, and having meshes of not less than five inches on the wings or four inches in the center of the pot, the pot not exceeding one hundred and fifty feet in length; gill nets having meshes of not less than seven inches; pound or hoop nets having meshes of not less than six inches in the leaders, five inches in the hearts, or three inches in the hoops; and bait nets to be used without leads, having meshes of not less than three inches, and not more than a four-foot hoop front.

(4) **LICENSE FEES.** The fee for each such license is as follows: For seines, one dollar per hundred for the first five hundred lineal feet, two dollars per hundred for the second five hundred lineal feet, three dollars per hundred for the third five hundred lineal feet, four dollars per hundred for the fourth five hundred lineal feet, five dollars per hundred for the fifth five hundred lineal feet, and six dollars for each one hundred lineal feet over twenty-five hundred; for gill nets, five dollars for the first two thousand lineal feet, and five dollars for each additional one thousand lineal feet; for pound or hoop nets, five dollars for each seven hundred lineal feet of leader and one pound, and five dollars for each additional pound; for bait nets, one dollar each; for buffalo and frame nets, two dollars per year for each licensee.

(5) **METAL TAGS.** No such licensed net shall be used until the same is equipped with metal tags stamped to designate the kind of net and number of the license covering the same. One such tag shall be securely fastened to each five hundred lineal feet, or fraction thereof, of seine; one to each two thousand lineal feet, or fraction thereof, of gill net; and one to each fyke, hoop, bait, buffalo or frame net. Such tags shall be furnished by the state conservation commission to the licensee at the time of issuing the license, on payment of a fee of twenty-five cents for each tag other than for a buffalo or frame net and fifty cents for each tag on a buffalo or frame net.

(6) **PROTECTED FISH.** No such licensed net shall be used for taking, catching, or killing any of the following named fish: Catfish of any variety under fifteen inches in length

in the rough, or twelve inches dressed with the head detached; pike of any variety, bass of any variety, crappies, sunfish, pickerel, rock sturgeon, or perch.

(7) **RESERVE WATERS.** No such licensed net shall be used for taking, catching, or killing fish of any kind in any of the following named waters: Rice lake, French lake, Mud lake, Round lake, Long lake, French slough, Spring creek, Spring slough, and Black river in La Crosse county; Second lake, Third lake and the Trempealeau river in Trempealeau county; Courtois pond, Pickerel spring, Nigger and Frenchtown sloughs and Gordon bay, in Crawford county; the De Soto bay, Long slough, T slough, Green lake, Pick's lake, and all sloughs, lakes and bayous from De Soto bay to the main channel of the Mississippi river and as far north as Battle bar in Vernon county; Cassville sloughs from Glen Haven to Cassville; Daley lake, Wyalusing bay and Glen lake between Wyalusing and the Burlington railway bridge, Plondke and Harris sloughs, Crawford lake, Ferry lake, and Bertram lake, all in Grant county; Trention lake, Trention slough, Mud lake, and Mero slough in Pierce; and the Mississippi river within fifteen hundred feet of the mouth of the Chippewa river, except that during the period from September 20 to January 1 of each year not to exceed ten pound, pots not to exceed four feet fyke or hoop nets may be used by each licensee providing such fishing is done under the supervision of the conservation commission or one of its deputies, the licensee to pay for such supervision service at not to exceed four dollars per day; and no such net or nets of any kind shall be used for taking, catching or killing fish of any kind in any of the following named waters, to wit: The Mississippi river within fifteen hundred feet of the mouth of the Chippewa river, the Chippewa river, Beef slough, and the tributaries and inland lakes, bays, bayous and sloughs in Pepin and Buffalo counties.

(8) **TEMPORARY PONDS; SHIPMENTS.** Each such licensee may construct temporary fish ponds and keep his fish therein until they can be marketed; and a card shall be attached to each shipment thereof, on which shall be written "Shipped under section 29.34," the signature of the licensee, and the number of his license.

(9) **REPORTS.** Each such licensee shall keep a strict record and account as to each variety of fish and the number of pounds thereof taken by him in such licensed nets; and shall report thereon to the state conservation commission on or before the fifteenth day of May covering his operations during the preceding year. [1931 c. 390]

**29.343** [*Repealed by 1939 c. 438*]

**29.345 Bays bounded.** (1) Whenever the hereinafter named bays and harbors are mentioned in this chapter, the following description for the same shall apply:

(a) That body of water known as Moonlight bay lying north and west of a line commencing at the most northeast point in section fifteen, township thirty north, range twenty-eight east, and running in a straight line northeasterly to the most southerly point in section fourteen, same township and range.

(b) That body of water known as Jackson harbor lying south and west of a line commencing at the most northerly point in section twenty-seven, township thirty-four north, range thirty east, and running in a straight line northwesterly to the most easterly point in the northeast quarter of section twenty-eight, same township and range.

(c) That body of water known as Bailey's harbor lying north of a line commencing at the most southerly point in section twenty-one, township thirty north, range twenty-eight east, and running in a straight line westerly to the south line of section twenty, same township and range.

(d) That body of water known as Washington Harbor lying south of a line commencing at the water's edge on the north line of section 26, township 34 north, range 29 east, and running in a straight line easterly to the water's edge on the north line of section 25, same township and range.

(e) That body of water known as Eagle harbor lying south and east of a line drawn from the most northeast point in section nine, township thirty-one north, range twenty-seven east, easterly to the water's edge on the north line of section twelve, same township and range.

(f) That body of water known as Egg harbor lying south of a line commencing at the most northeast point in section twenty-six, township thirty north, range twenty-six east, and running in a straight line east to the north line of section twenty-five, same township and range.

(g) That body of water known as North bay lying north of a line commencing at the most northeast point in section thirty-five, township thirty-one north, range twenty-eight east, and running in a straight line to the west line of section twenty-five, same township and range.

(h) That body of water known as Fish Creek harbor lying south and east of a line

commencing at the most northerly point in the southwest quarter of section twenty-nine, township thirty-one north, range twenty-seven east, and running northeasterly in a straight line to the water's edge on north line of said section, township and range.

(i) That body of water known as Detroit harbor lying north of a line commencing at the most southerly point in section fourteen, township thirty-three north, range twenty-nine east, and running in a straight line to the most southerly point in section eighteen, township thirty-three north, range thirty east.

(j) That body of water known as Sturgeon bay lying south and east of a line commencing at the most northerly point of section twenty-three, township twenty-eight north, range twenty-five east, and running in a northeasterly direction to the water's edge on north line of section thirteen, same township and range.

(k) That body of water known as Little Sturgeon bay lying south of a line commencing at the most northeast point in section thirty-five, township twenty-eight north, range twenty-four east, and running in a northeasterly direction to the most northerly point in section thirty-six, same township and range.

(l) That body of water known as Rowley's bay lying north of a line commencing at the water's edge on south line of section twenty-six, township thirty-two north, range twenty-eight east, and running east to the most southerly point in section thirty-two, same township and range.

(m) That body of water known as Riley's bay lying south of a line commencing at the most northerly point in section thirty-six, township twenty-eight north, range twenty-four east, and running in a northeasterly direction to the most northerly point in section thirty, township twenty-eight north, range twenty-five east.

(n) That body of water known as Allouez bay lying south of a line commencing at the most northerly point in section twenty-nine, township forty-nine north, range thirteen west, and running due east in a straight line to the water's edge on north line of section twenty-eight, same township and range.

(o) All that body of water known as Superior bay lying south and east between Minnesota point and the main land of Douglas county extending from a line drawn from the most southerly point in section twenty, township forty-nine north, range thirteen west, to the most northerly point in section twenty-nine, same township and range.

(p) All that body of water known as St. Louis bay lying between a line commencing at the most northerly point of section ten, township forty-nine north, range fourteen west, running due north to the Minnesota boundary, and the north line of sections twenty and twenty-one, running due west to the Minnesota boundary.

(q) All that body of water known as West Harbor and adjoining water in sections 2, 10 and 11, township 33 north, range 29 east, lying east of a line starting at the most northwesterly point of land in section 10 of township 33 north, range 29 east, and running in a northerly direction to the most northwesterly point of land in section 2, township 33 north, range 29 east. [1931 c. 201; 1933 c. 159 s. 11; 1943 c. 301]

**29.35 Net licenses; whitefish and cisco in inland lakes.** (1) Net licenses which shall authorize the use of dip nets with a diameter of not more than eight feet and with meshes not less than one and one-half inches, for taking, catching or killing whitefish or cisco in any of the inland waters of the state may be issued by the state conservation commission, subject to the provisions of section 29.09, to any resident of the state duly applying therefor. Licenses which shall authorize the use of not exceeding one hundred feet of gill net, with meshes not less than two and three-fourths inches may also be issued by the commission for the catching of whitefish or ciscos, respectively, in lakes in Waupaca county and in Lake Mendota and Lake Monona in Dane county, and for the catching of whitefish from October fifteenth to November fourth in Barron, Burnett and Washburn counties. The fee for each such license is one dollar.

(2) Each such license shall be limited to such period of ten days as shall be fixed by the state conservation commission, and no such whitefish licensee shall have in his possession or under his control at any time more than one hundred pounds of whitefish.

(3) No such licensed net shall be used until the same is equipped with a metal tag, stamped to designate the kind of net and number of the license covering the same, to be securely fastened to each net. Such tag shall be furnished by the commission at the time of issuing the license. Spears may be used in the waters of Vilas county during the period from October fifteenth to November fifteenth for the purpose of spearing cisco. [1931 c. 133]

**Note:** Section 29.285 (2) prohibiting possession of cisco nets being later enactment, supersedes this section authorizing licensing of such nets. 20 Atty. Gen. 1043.

**29.36** [Repealed by 1933 c. 153]

**29.37 Set line licenses; inland waters.** (1) Set line licenses which shall authorize the use of one set line only, with not exceeding twenty-five hooks, for taking, catching or

killing fish, shall be issued, subject to the provisions of section 29.09, by the county clerk of the county bordering on the waters where such set lines are intended and permitted to be used, to any person duly applying therefor.

(2) Each such license shall be limited to the period of time extending from the twenty-ninth day of May to the next succeeding fifteenth day of February. The fee for each such license is one dollar.

(3) No such licensed set line shall be used until the same is equipped with a metal tag, stamped to designate the number of the license covering the same, which shall be securely fastened to one end of the set line. Such tag shall be furnished by the state conservation commission to the county clerk, and by the latter to the licensee at the time of issuing the license, on payment of a fee of twenty-five cents. All fees received by county clerks for such metal tags shall be returned and reported in the same manner as are license fees, as prescribed in section 29.09, but without deduction. [1931 c. 57, 209, 221; 1931 c. 476 s. 2; 1939 c. 438]

**29.38 Clams, open season, closed areas, taking regulated.** (1) Mussels, not less than one and three-fourths inches in greatest dimensions, including the pearly fresh water mussel or clam, or naiad and the shells thereof, may be taken and possessed in any quantity at any time, in the manner hereafter described, in any of the waters of this state except those duly closed by the conservation commission, provided a license so to do shall first be obtained from the conservation commission. Such mussels may be bought, sold or transported at any time.

(2) The conservation commission may, when in its judgment the conservation of the mussel resources of the state requires it, prescribe areas from which mussels may not be taken for a specified period of not to exceed five years, such closed areas not to exceed over one-half the mussel producing waters of the state at the same time. All orders of the conservation commission prescribing such closed areas shall be published once in a newspaper qualified to publish legal notices within each county having waters within its boundaries affected by such orders, and shall take effect at the time fixed therein, but not earlier than thirty days after publication. The conservation commission may, when in its judgment conditions warrant it, vacate, modify or extend any such order. No mussels shall be taken from waters included in any area so closed by the conservation commission.

(3) Such license shall be procured from the conservation commission and may be issued to a resident or nonresident. It shall be in such form as the commission may determine, but shall state what waters have been closed by the action of the conservation commission to the taking of mussels, and whether the licensee is a resident of this state. The applicant shall pay to the conservation commission as a license fee, if a resident, the sum of five dollars, and if not a resident, the sum of fifty dollars. All licenses shall expire on the thirty-first day of December following. Licensees, when taking mussels, shall exhibit their licenses to any conservation warden upon his request.

(4) Not more than one boat or rig may be used for taking mussels. An additional boat for towing may be used when no mussel taking apparatus is attached thereto. Not more than four crow-foot bars, or bars having hooks attached thereto adapted for the taking of mussels, shall be had in possession by a licensee while taking mussels at any one time, and not more than two of such crow-foot bars shall be placed in the water by a licensee while taking mussels, at any one time. No crow-foot bar of more than twenty feet in length shall be used. Pitchforks may be used in gathering clam shells. Undersized mussels, except pig toes, shall be returned to the water without injury. No person shall take, catch or kill any mussels in any of the waters of this state at any time with the use of a dredge or by the use of any device except a crow-foot bar.

(5) Written reports shall be made to the conservation commission on blanks prepared by it on or before December thirty-first, by each person to whom a license to take mussels has been issued, stating the total weight of mussels taken under authority of such license, the names and locations of the waters from which such mussels were taken, and the total amount received for the mussels sold.

(6) Persons duly authorized by the state of Minnesota to take mussels from waters forming a common boundary between Wisconsin and Minnesota may take mussels from that portion of said waters within the jurisdiction of Wisconsin and not closed by action of the conservation commission, without having first procured a license therefor from the state of Wisconsin, provided that the laws of Minnesota extend a similar privilege to persons licensed by Wisconsin to take mussels.

(7) There shall be a close season for clams in all inland waters of the state, not including boundary waters, extending from March first to May twenty-ninth, in each year.

(8) There shall be a close season for clams in any and all waters in Jefferson, Rock and Green counties. [1931 c. 35]

**29.39 Possession during close season, or in excess of bag limit.** No person shall have in his possession or under his control, or have in storage or retention or as common carrier for any one person, any game, game fish, or other wild animal or carcass or part thereof, during the close season therefor, or in excess of the bag limit for one day or below the minimum size thereof at any one time during the open season, whether lawfully or unlawfully taken within or without the state.

**Note:** Deer hair is not "carcass" within statute prohibiting possession of game, wild animal, or carcass thereof. *Jewell v. Hempleman*, 210 W 265, 246 NW 441.

Indians are not liable for hunting deer on reservation. They have no right to transport said deer outside reservation. White man has

no right to purchase deer from Indian. 20 Atty. Gen. 982.

No one can have in his possession more than bag limit for any one day at any time. 20 Atty. Gen. 1147.

See note to 29.135, citing 24 Atty. Gen. 810.

**29.395 Game, possession in open season.** It shall be unlawful to have in possession or under control during the open season the carcass or part of the carcass or skin of any protected wild animal showing that the same has been taken during the close season for such animal.

**Note:** Furs which were taken in close season and seized under an illegal search warrant should not be returned by the state.

State ex rel. *Meyer v. Keeler*, 205 W 175, 236 NW 561.

**29.396 Sturgeon tags.** Any person having lawfully caught a sturgeon shall immediately attach, and leave attached to the tail of such fish, a sturgeon tag. The conservation commission shall issue such tags, not exceeding five to a person, at a cost of five cents each. [1931 c. 221 s. 3]

**29.40 Possession of deer; heads and skins.** (1) **DEER TAGS.** Any person having lawfully killed a deer shall immediately attach and leave attached to the carcass, or part thereof, the deer tag corresponding to his license; and no person shall have in his possession or under his control, or have in storage or as a common carrier, any such carcass, or part thereof, without such tag attached.

(2) **HOME CONSUMPTION.** Any person residing in this state having lawfully killed a deer, may have in his possession and consume the meat thereof in his own family at any time, but must leave the tag attached thereto.

(3) **HEADS AND SKINS.** The head and skin of any deer lawfully killed, when severed from the rest of the carcass, are not subject to the provisions of this chapter; but no person shall have in his possession or under his control the green head or green skin of a deer during the period beginning thirty days after the close of the open deer season and the opening of the succeeding season, or at any time a deer head in the velvet, or a deer skin in the red, blue or spotted coat.

**29.41 Skins of fur-bearing animals.** The skin of any fur-bearing animal lawfully killed, when separated from the rest of the carcass is not subject to the provisions of this chapter; but no person shall have in his possession or under his control the skin of any fisher, marten, mink, or muskrat showing that the same has been shot or speared, nor the green skin of any fur-bearing animal from the fifth day after the beginning of the close season for such animal until the ending thereof.

**Note:** Illegal fur carried in automobile may be seized and taken by officer if he has reasonable grounds to believe that said il-

legal fur is being transported in automobile. 19 Atty. Gen. 139.

**29.415 Raccoon tags.** (1) The skin of any raccoon taken, caught or killed shall have attached thereto and locked thereon, a distinctly numbered tag to be prescribed and furnished by the conservation commission. The fee for each tag shall be 25 cents and the number of tags that may be purchased by a hunter or trapper licensed under this chapter shall not exceed the season bag limit prescribed for raccoon during the year designated on such tags. It shall be unlawful to offer for sale, sell, ship, or in any manner dispose of the skin of a raccoon or to purchase the skin of a raccoon unless such a tag shall be securely attached thereto.

(2) All unused tags shall, within 30 days after the close of the open season for raccoon, be returned to the conservation commission at Madison, Wisconsin, for cancellation, together with a report on a blank to be furnished by the conservation commission, stating thereon the number of raccoon taken, caught or killed, the disposition, if any, of the skins, and the amount received for them; the number of skins held in possession and the reasonable value thereof. The conservation commission shall make a refund of 25 cents for each tag so returned within the 30 days prescribed. [1943 c. 507]

**29.42 Possession of game birds.** (1) **WITHOUT LICENSE.** No person, other than the holder of a hunting license or scientist's certificate duly issued to him and in force and carried by him on his person, shall have in his possession or under his control any game bird, or animal, or the carcass or any part thereof.



(2) **NESTS AND EGGS.** No person shall take or needlessly destroy, or have in his possession or under his control, except by virtue of a scientist's certificate, the nest or eggs of any wild bird for which a close season is prescribed in this chapter.

**29.43 Transportation; general provisions.** (1) **DURING CLOSE SEASON.** No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game or game fish or carcass or part thereof during the close season therefor, whether lawfully or unlawfully taken within or without the state. Whenever any game or game fish or carcass or part thereof is offered to any person for transportation during the close season therefor such person shall forthwith notify the state conservation commission or its deputy, stating full particulars of such offer and by whom made.

(2) **TRUNKS; VALISES.** No person shall carry with him or under his control in any trunk, valise, or other package or inclosure, at any time, any game or game fish, or carcass or part thereof.

(3) **TRANSPORTATION EMPLOYEES.** No employe of any railroad, express, or other transportation company, and no steward, porter, or other employe of any dining, parlor or sleeping car shall have in his personal possession or under his personal control, at any time while in such service, any game or game fish, or carcass or part thereof.

(4) **LABELING GAME SHIPMENTS.** No person shall transport or cause to be transported, or deliver or receive for transportation, any package or parcel containing any wild animal or carcass or part thereof, unless the same is labeled in plain letters on the address side of such package or parcel so as to disclose the name and address of the consignor, the name and address of the consignee, and the number of pounds of each kind of fish or the number of each variety of other wild animals; or carcasses, or parts thereof, contained therein; and unless the consignor is the owner of such shipment and shall deliver to the common carrier therewith, either personally, or by agent, a writing signed by him personally, stating that he is the owner of the shipment.

**29.44 Interstate transportation of game.** No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, into or through this state, any game or game fish or carcass or part thereof from any other state in violation of the laws of such state relating to the transportation thereof; nor any game or game fish or carcass or part thereof lawfully transported from any other state, nor have the same in his possession or under his control, during the close season or in excess of the limitations prescribed for such animal in this chapter, unless a permit therefor has been duly issued to such person by the state conservation commission; but any person who has lawfully killed a deer in this state may, on his license only, take such deer into any adjoining state, if the laws thereof permit, and ship the same from any point in that state to any point within this state.

**29.45 Transportation of deer.** (1) No common carrier shall receive for transportation or transport or attempt to transport any deer, or carcass or part thereof, otherwise than as provided in this section.

(2) Each holder of a resident hunting license, settlers' hunting license, or nonresident general hunting license, may transport or cause to be transported one deer legally taken, between the second day of the open season for hunting deer and eleven o'clock P. M. of the third day after the close of said season; but must accompany the same from the point of shipment to the point of destination.

(3) The place of delivery of any such shipment by a resident licensee shall be within the state, and by a nonresident licensee may be either within the state or at his residence without the state.

**29.46 Transportation of game birds.** (1) No common carrier shall receive for transportation or transport or attempt to transport any game bird, or carcass or part thereof, otherwise than as follows: Each holder of a hunting license may carry with him openly, in his personal possession, a mixed bag of not more than twenty such birds, but not more than the bag limit for one day of any one variety; but no such licensee resident within this state shall carry or convey any such bird beyond the borders of the state.

**29.47 Transportation of fish.** (1) **TIME LIMITATION.** No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any game fish taken from inland waters, during the period extending from the first day of January to the last day of the close season for such fish, in each year.

(2) **FROM INLAND WATERS.** No person shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, at any time, any sturgeon or other game fish taken from inland waters other than as follows:

(a) One shipment only of not more than one package, and containing not more than twenty pounds of game fish of any variety other than those named in paragraphs (c) and (d) of this subsection, but not more than the bag limit for one day, or containing in lieu

thereof not more than one muskellunge or two of any other fish of any weight, may be transported by any resident to any point within the state, or by any nonresident licensee to any point without the state in each period of seven days.

(b) Any shipment containing more than twenty but not exceeding fifty pounds of game fish of any variety other than those named in paragraphs (c) and (d) of this subsection may be transported only to a point within this state, and must be accompanied by the owner from the point of shipment to the point of destination.

(c) Fifteen trout of any variety other than lake trout may be transported to any point within or without the state, when accompanied by the owner from the point of shipment to the point of destination.

(d) One shipment only, containing not more than twenty pounds of lake trout taken from inland waters, may be transported by any person in each period of seven days, to any point within or without this state, when accompanied by the owner from the point of shipment to the point of destination.

(3) FROM OUTLYING WATERS. The transportation of fish taken in outlying waters is subject to the following limitations:

(a) No green fish of any variety shall be shipped from any port located on outlying waters during the close season for such fish, except the first three days thereof.

(b) Pike and pickerel of lawful size and lawfully taken from outlying waters may be transported to points within or without the state without limitation as to quantity; but all such shipments shall be billed only from a port on outlying waters directly to their destination, and shall not be rebilled or reshipped from any other point within the state.

(4) SHIPMENTS FROM INLAND POINTS. Any shipment of game fish of any variety originating at any point in this state other than ports located on outlying waters is subject to the provisions of this section governing the transportation of game fish taken from inland waters.

(5) FOREIGN SHIPMENTS. Pike and pickerel in a frozen state, whether dressed or not dressed, legally taken or imported from any foreign country, are not subject to any of the provisions of this chapter except as may be provided by conservation commission orders; but the person importing, transporting, dealing in, or selling such fish shall keep a separate record of all shipments and consignments thereof, containing the number of pounds, the date received, the name of the consignor, and the name of the carrier transporting the same, which shall be at all times open to inspection by the state conservation commission or its deputies. [1931 c. 221 s. 2; 1931 c. 351 s. 2; 1935 c. 288; 1939 c. 438; 1943 c. 104]

**29.475 Wild life on Indian reservations protected.** No person shall remove or take from any Indian reservation the carcass of any protected wild animal, bird or fish or any part thereof, including the fur, during the close season for such animal, bird or fish without a permit from the state conservation commission issued under such regulations as it may prescribe. [1931 c. 163]

**29.48 Sale of game.** Except as provided by section 29.52 no person shall sell, purchase, or barter, or offer to sell, purchase, or barter, or have in his possession or under his control for the purpose of sale or barter, any deer, squirrel, game bird, black bass, muskellunge, sturgeon, pike from inland waters, or trout other than lake trout, or the carcass or part thereof, at any time; nor any other game fish taken from inland waters during the period extending from the first day of January to the next succeeding twenty-ninth day of May of each year; nor any other game or other wild animal, or carcass or part thereof, during the close season therefor. This section applies, whether such animals were lawfully or unlawfully taken within or without the state. [1931 c. 221 s. 2]

**Note:** This section is not invalid as applied to interstate and foreign commerce. 27 Atty. Gen. 35.

**29.49 Serving of game to guests.** (1) PROHIBITED. Except as provided by section 29.52 no innkeeper, manager or steward of any restaurant, club, hotel, boarding house, saloon, logging camp, or mining camp shall sell, barter, serve or give, or cause to be sold, bartered, served, or given to the guests or boarders thereof the meat of any deer, squirrel, game bird, or trout other than lake trout, or the carcass or part thereof, at any time; nor any other game fish taken from inland waters during the period extending from the first day of January to the next succeeding twenty-ninth day of May of each year; nor any frog or other game or other wild animal, or carcass or part thereof, during the close season therefor, except rabbits in counties containing a city of the first class. This section applies, whether such animals were lawfully or unlawfully taken within or without the state.

(2) FREE LUNCH. The giving, offering, or affording opportunity to take free lunch in any of the places named in the preceding subsection shall be held to be embraced within the prohibitions thereof.

(3) **PENALTY.** Violations of this section shall be punished by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

**29.50 Propagation privileged.** Nothing in the foregoing provisions concerning the protection of wild animals shall affect the operation of state hatcheries, the removal of fish which have died from natural causes or the removal of deleterious fish by the state conservation commission or under its authority; or the propagation or transportation, collecting and transplanting of fish or fish fry by state authority; nor the transportation of fish into or through this state or out of it by the commissioners of fisheries of other states or of the United States; nor the operation of private fish hatcheries, or the propagation of fish in private waters, or the transportation and sale of fish therefrom as hereinafter provided; but the state conservation commission, or its agents and employes, shall not furnish fish or fry from state hatcheries to private ponds, private clubs, corporations or preserves, and shall not plant them in waters where the general public is not allowed the rights and privileges enjoyed by any individual.

**29.51 State propagation of fish.** (1) **STATE FISH HATCHERIES.** The state conservation commission shall have general charge of the following matters, and all necessary powers therefor, namely:

(a) The propagation and breeding of fish of such species and varieties as they deem of value.

(b) The collection and diffusion of useful information in regard to the propagation and conservation of fish.

(c) The government and control, care, supply, and repair of the state fish hatcheries and the grounds used therefor, whether owned or leased, and the buildings, ponds, fish ear and other apparatus, and all other property belonging to or held by the state for the propagation of fish.

(d) The purchase and establishment and control, in like manner, of new hatcheries when appropriations shall be made by law, and the establishment of such temporary hatching stations as they may deem necessary. With the consent and approval of the commission, lands may be acquired by grant, devise or conveyance constituting a voluntary donation to or purchase by the state for the express purpose of enabling it to use such lands for establishing hatcheries and the propagation of fish.

(e) The receiving from the commissioners of fisheries of the United States, and from the commissioners of fisheries of other states, or other persons, of all spawn, fry or fish donated to the state or purchased, and in the most practical ways, by exchange or otherwise, to procure, receive, distribute, and dispose of spawn and fish; to make contracts and carry on the same for the transportation of fish cars, cans, commissioners and employes by land or water as may be most advantageous to the state; and to take such other measures as in their judgment shall best promote the abundant supply of food fishes in the waters of the state.

(f) The commission shall keep an inventory of the property of the several hatcheries, with the cost of each article, and account in detail and separately of the expenses of each hatchery; also of the distribution of the fish, of maintaining and repairing property and of such improvements as may from time to time be ordered.

(2) **TRANSPLANTATION OF FISH.** The commission may take or cause to be taken fish at all seasons of the year from any waters of the state for stocking other waters, or for the purpose of securing eggs for artificial propagation in the state hatcheries. Such fish or eggs shall be taken only under a special permit issued by the commission, and then only in the presence of the commission or its deputies. Such permit shall specify the kinds of fish that may be taken and the manner in which they may be taken; and shall be subject to the conditions that the holder shall pay for the services of and furnish free transportation and meals on his boat to a competent person approved by the commission to spawn the fish and fertilize the eggs, and that such eggs shall be delivered at such place as may be designated by the commission and forwarded to some state hatchery for propagation.

(3) **DELIVERY OF SPAWN.** Any person fishing in any waters of this state shall deliver, on demand, to the state conservation commission or its deputies or authorized agents, all kinds of fish, during the spawning season, for the purpose of being stripped of their eggs and milt; and the person receiving them shall, immediately after having stripped the fish, return them to the person from whom received. Any such person shall permit the commission, or its deputies, or authorized agents to enter any boats, docks, grounds or other places where such fish may be, for the purpose of stripping the same while alive, and shall render such assistance as may be necessary to expedite the work of mixing the eggs and milt for proper impregnation.

(4) **REMOVAL OF SPAWN OR FISH FROM STATE.** No person shall remove any fish eggs or live fish from this state except as authorized by law, unless a permit therefor has been issued to him by the state conservation commission.

(5) **UNLAWFUL FISHING BY EMPLOYEES.** No employe of the commission, and no other person, while engaged in catching wild fish from the public waters for purposes of artificial propagation, shall take or have in his possession or under his control any kind of fish other than those he has been directed, by the commission or its deputy or agent, to take therefrom.

(6) **ERECTION OF BARRIERS TO EXCLUDE ROUGH FISH.** The commission may for any period in its discretion erect and maintain or authorize erection and maintenance of a screen or similar barrier in any navigable stream for the purpose of preventing rough fish or other fish found to be undesirable from invading any part of such stream, provided such screen or barrier does not unreasonably interfere with navigation. [1935 c. 412]

**29.52 Private fish hatcheries.** (1) No person shall stock any private fish hatchery with fish or fry obtained from any Wisconsin state fish hatchery, or from any waters of the state except when such fish have been taken in a lawful manner.

(2) The term "private fish hatchery," covering private fish hatcheries already registered with the conservation commission, includes only private ponds with or without buildings, used for the purpose of propagating fish and located as follows:

(a) At the headwaters of or along a stream for a distance of not to exceed one mile, on private land possessed and controlled by the owner or owners of such hatchery.

(b) On private land where the supply of water for the hatchery is furnished by springs or artificial wells.

(c) On private land where the supply of water for the hatchery is obtained by the use of flumes, pipes, or ditches from flowing streams, provided that said flumes, pipes, or ditches, shall be properly screened so as to prevent fish from passing from such streams to the ponds of such hatchery.

(d) As to private fish hatcheries hereafter established, the term "private fish hatchery" shall include only private ponds, with or without buildings, used for the purpose of propagating fish and located on artificial ponds or artificial lakes.

(e) Any person desiring to operate a private fish hatchery, even though registration has already been made for the purpose of propagating and selling fish, shall make application in writing on a form prepared by the conservation commission. The commission shall then inspect the area for which a license has been applied, and if it appears that such application is made in good faith, and when satisfied of the intention and ability of the applicant to construct or maintain ponds, or buildings for the rearing of such fish, shall issue a renewal of the license to propagate, raise and sell fish of the kind specified in the application during the calendar year. The licensee shall keep an accurate record of all fish purchased or sold or disposed of. Upon making application for a renewal of license for the succeeding year the licensee shall make a report, verified by affidavit, to the conservation commission covering the period from January 1 to December 31 of the previous year upon blanks furnished by the commission, giving such information as the commission may request on blanks furnished by them.

(3) The owner or lessee of any private hatchery shall report to the state conservation commission the name, if any, and location of such hatchery, whereupon the commission shall inspect, and in its discretion number and register such hatchery and immediately inform the owner or lessee of the number given such hatchery; such owner or lessee shall, however, pay a registration fee of five dollars, and all expenses of inspection except the salary of the employe who inspects the hatchery.

(4) Each package or box containing fish propagated and raised in any private hatchery and shipped or offered for shipment shall be branded with an iron brand as follows: "Shipped from the private fish hatchery of (insert name of owner or lessee, location, and number of hatchery)" and such brands shall not be used on packages containing fish not taken from such private hatchery.

(5) Any person who shall, without permission of the owner, trespass or fish on the waters of a private hatchery or fish pond properly registered with the state conservation commission, shall be punished by a fine of not less than fifteen dollars nor more than twenty-five dollars and in default of payment thereof shall be imprisoned in the county jail for not less than ten days nor more than twenty days; provided, that the owner of such private fish hatchery or fish pond gives notice by maintaining signboards, at least one foot square, in at least two conspicuous places to every forty acres. Prosecutions under this subsection shall be by the owner of such private hatchery or pond.

**29.53 Private hatcheries and fisheries.** (1) The owner or lessee of all of the lands underlying, surrounding, or bordering upon any pond, lake or slough, natural or artificial, navigable or nonnavigable, meandered or not meandered, tributary to and connected with the Mississippi river, which pond, lake or slough does not exceed at low water one square mile in surface area, shall have the right, upon complying with the provisions of this section, to erect, establish, operate and maintain on, in or about such pond, lake,

or slough, a private hatchery and fishery for the purpose of hatching, propagating and fishing therein rough fish, including buffalo fish and carp.

(2) Such owner or lessee desiring to erect, establish, operate and maintain a private hatchery and fishery in conformity with this section, shall file with the state conservation commission a verified declaration designating and describing the pond, lake or slough, which the declarant desires to use for the purpose of hatching, propagating and fishing rough fish therein, a description of all the lands underlying, surrounding, or bordering upon such water and the title or leasehold of the declarant therein. Such declaration shall also state in square miles and fraction of square miles the area of such pond, lake or slough, at low water.

(3) Upon the filing of such declaration, the state conservation commission shall forthwith examine and investigate the same and may require the declarant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the pond, lake or slough designated in the declaration does not exceed at low water one square mile in surface area and that the declarant is the owner or lessee of all of the lands underlying, surrounding, or bordering upon such water, and that the declarant intends in good faith to erect, establish, operate, and maintain a hatchery and fishery on, in and about such water for the propagation or fishing of rough fish therein, the commission shall issue to the declarant a certificate under seal of the commission, which shall designate such pond, lake or slough, and certify that the declarant is lawfully entitled to use the same for the hatching, propagation and fishing of rough fish therein and to erect, establish, operate and maintain a private hatchery and fishery for the purpose of hatching, propagating and fishing therein of rough fish, including buffalo fish and carp.

(4) Such certificate of the commission shall be prima facie evidence in all courts and proceedings of the lawful right of the declarant therein named, his or its successors or assigns for the full term of twenty-five years from the date of issuance thereof, to erect, establish, operate and maintain a private hatchery and fishery in the pond, lake or slough therein designated and shall, unless and until sooner revoked as hereinafter provided, entitle the declarant therein named, his or its successors or assigns, to the exclusive right for and during said term to propagate and fish rough fish therein and to exclusive and sole ownership of and property in all rough fish caught or taken therefrom.

(5) If it shall be reasonably necessary to the successful operation of such hatchery and fishery that screens or other structures shall be erected and maintained in any brook, creek or stream flowing into or out of such pond, lake or slough, in order to prevent the escape from any such hatchery or fishery of rough fish, authority is hereby granted to erect, and maintain the same in such brook, creek or stream and upon the land owned or leased by the holder of such certificate, provided that the character and location of such screens or other structures for such purpose shall be determined by the commission in said certificate and, provided further, that if it shall at any time appear that such brook, creek or stream is used by the public for the purposes of navigation, the commission may, if such public use is substantial and reasonably necessitates the same, require locks or boatways to be erected and maintained in connection with and as a condition of the right to erect and maintain such screens or structures and may fix the character of such locks or boatways.

(6) The failure at any time for a period of two years to operate or maintain any such hatchery or fishery for which a certificate has been issued hereunder for propagating or fishing rough fish therein shall work a forfeiture of such certificate and of all right thereunder. Such certificate and all rights thereunder shall be assignable and shall pass with the title or leasehold stated in the declaration upon which the same was issued and, if issued upon a leasehold merely, shall terminate with such leasehold.

(7) Nothing in this section contained shall be construed to affect any public right of fishing or navigation, except as herein expressly provided.

**29.535 Introducing foreign fish and game.** (1) It shall be unlawful for any person, firm or corporation, to bring into the state of Wisconsin for the purpose of planting or introducing, or to plant or introduce into any of the inland or outlying waters of the state, any fish or the spawn thereof that are not native to such waters, or to bring into the state of Wisconsin, for the purpose of releasing or introducing, or to release or introduce in the state any wild bird or animal of any kind that is not found in, or is not native to, the state of Wisconsin at the present time, unless they shall first apply in writing to the state conservation commission for a permit therefor. Such permit shall be granted only after the state conservation commission or its duly authorized agents have made such investigation and inspection of the fish, birds or animals as they may deem necessary and approve such planting, releasing or introduction.

(2) Nothing in the provisions of this section shall prohibit the state conservation commission, the state conservation department, or its duly authorized agents from bringing

into the state of Wisconsin, for the purpose of planting, introducing or releasing, or to plant, introduce or release in this state, any fish, bird or animal. [1935 c. 288]

**29.536 Municipal fish hatcheries.** (1) Any city, town or village, upon direction and supervision of the conservation commission, is authorized to appropriate money for and may acquire, lease or contract for any land, pond, lake or slough for a fish hatchery, and to erect, establish, operate and maintain on, in or about such pond, lake or slough, a fish hatchery and fishery for the purpose of hatching, propagating and fishing therein game fish.

(2) Such municipality desiring to erect, establish, operate and maintain a private hatchery and fishery in conformity with this section, shall file with the state conservation commission a verified declaration designating and describing the pond, lake or slough, which it desires to use for the purpose of hatching, propagating and fishing game fish therein, and a description of all the lands underlying, surrounding or bordering upon such water. Such municipality shall also state in square miles and fraction of square miles the area of such pond, lake or slough, at low water.

(3) Upon the filing of such declaration, the state conservation commission shall forthwith examine and investigate the same. If upon such examination it shall appear that the pond, lake or slough designated in the declaration is suitable for a fish hatchery it may direct the declarant to acquire, lease or contract for the same. Thereupon such municipality may acquire, lease or contract for the lands underlying, surrounding or bordering upon such water, and thereafter the commission shall issue to the municipality a certificate under seal of the commission, which shall designate such pond, lake or slough, and certify that it is lawfully entitled to use the same for the hatching, propagation and fishing of game fish therein and to erect, establish, operate and maintain a hatchery and fishery for the purpose of hatching, propagating and fishing therein game fish.

(4) The state conservation commission shall make rules and regulations for stocking, maintaining and fishing in such hatcheries. [1935 c. 305]

**29.54 State propagation of wild mammals and birds.** (1) The state conservation commission is authorized to take or purchase wild mammals and birds and their eggs for propagation. The distribution thereof shall be made throughout the various parts of the state under the supervision and direction of the commission, and according to such regulations as they shall prescribe.

(2) No person shall take, remove, sell, or transport from the public waters of this state to any place beyond the borders of the state, any duck potato, wild celery, or any other plant or plant product except wild rice native in said waters and commonly known to furnish food for game birds.

**29.545 Removal of aquatic plants from waters prohibited.** No person shall cut, harvest or remove wild rice, wild celery, sago or other aquatic plants of any variety whatsoever from Lakes Partridge, Partridge Crop, Poygan, Winneconne, Big Lake Butte des Morts, and the Wolf River from the mouth of the Rat River to its outlet from Big Lake Butte des Morts, except that wild celery and sago may be cut, harvested or removed from Big Lake Butte des Morts and from the Fox River from its junction with the Wolf River to where it empties into Lake Winnebago. [1941 c. 222]

**29.55 Wild animals for parks.** (1) The state conservation commission may, on application of any park board, grant permit to take, have, sell, barter, or transport, at any time, live wild animals for park purposes.

(2) The state conservation commission may, on application of any person, grant a permit to such person to take and transport wild animals for propagation within the state, under the supervision of the commission or its deputies.

**29.56 Wild life refuge.** (2) No person shall at any time or in any manner hunt or trap within the boundaries of any wild life refuge, nor have in his possession or under his control therein, any gun or rifle unless the same is unloaded and knocked down or inclosed within a carrying case. The taking of predatory game birds and animals shall be done as the conservation commission directs. All state wild life refuge boundary lines shall be marked by posts painted white placed at intervals of not over five hundred feet and bearing signs with the words "Wisconsin Wild Life Refuge." [1931 c. 28; 1933 c. 421; 1939 c. 438]

**29.565 American Legion Memorial State Park and Forest Preserve.** (1) All state owned land in townships thirty-eight and thirty-nine north, range seven east, Oneida county, except that portion described in subsection (2), is set aside as a state park and forest preserve to be known as the "American Legion Memorial State Park and Forest Preserve" and shall be managed and administered under the provisions of chapters 27 and 28 of the statutes. No hunting or trapping shall be allowed in sections three, five, six, seven, eight, seventeen, eighteen, nineteen and twenty of township thirty-eight in said park. The conservation commission is authorized to enter into such arrangements with the Wis-

consin department of the American Legion as may be mutually agreed upon for the development and protection of said park and preserve.

(2) The commissioners of public lands are authorized and directed to execute and deliver to the Wisconsin department of the American Legion, a lease of lots, 3, 4, 6 and 7, of section 8, and lots 2 and 3 of section 17, township 38, range 7 east, Oneida county, the same to be used in connection with Camp Minnewawa, which said department is now maintaining near Tomahawk lake as a restoration camp for sick and disabled veterans of the world war and their dependents. Such lease shall terminate and be null and void immediately upon said department ceasing to use said lands for such purpose, except that portion of the above described properties now surveyed into what is known as the Recreational Area and Legion Lots located on lot 4 of section 8 as hereinbefore referred to, in which a number of local posts of the department have leased lots from the department, and erected cabins thereon, in accordance with the terms and provisions of a ground lease given under the authority of this section and entered into March 21, 1929. [1943 c. 535]

**29.57 Wild life refuges.** (1) **ESTABLISHMENT.** The owner or owners of any tract, or contiguous tracts, of land comprising in the aggregate not less than one hundred and sixty acres located outside the limits of any city or village, may apply to the state conservation commission for the establishment of said lands as a wild life refuge. The commission may thereupon employ such means as it may deem wise to inform itself regarding the premises; and if, upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the establishment of said lands as a wild life refuge will promote the conservation of one or more useful species or varieties native within this state, it may by order designate and establish the said lands as a wild life refuge.

(2) **SIGNS.** Within thirty days after the date of such order the owner or owners of the said lands shall post or erect signs or notices as required and furnished by the state conservation commission, proclaiming the establishment of said refuge.

(3) **PUBLICATION.** No such order shall be effective until at least thirty days after the date of its issue; nor unless the commission shall have caused notice thereof to be given by its publication, once in each week for three successive weeks next preceding the date of its effect, in at least one newspaper published in the county embracing the said lands. Thereupon the said lands shall be a wild life refuge, and shall so remain for a period of not less than five years, from and after the date of effect stated in said order.

(4) **ABSOLUTE PROTECTION.** No owner of lands embraced within any such wild life refuge, and no other person whatever, shall hunt or trap within the boundaries of any wild life refuge, state park, or state fish hatchery lands; nor have in his possession or under his control therein any gun or rifle, unless the same is unloaded and knocked down or inclosed within its carrying case; but nothing herein shall prohibit, prevent, or interfere with the state conservation commission, or its deputies, agents or employes, in the destruction of injurious animals.

(5) **ANIMALS PROCURED BY COMMISSION.** The state conservation commission may place within any such wild life refuge, for the purpose of propagation, wild animals of any species or variety.

**Note:** Posting of wild life refuges by signs is not condition precedent to prosecution for hunting or fishing thereon. Commission may enter private property to place signs in reasonable regulation of such refuges. Publicity of such refuges may be advisable but except as specifically required by (3) has no legal effect. 20 Atty. Gen. 1122. Game refuges but not wild life refuges

may be established by conservation department on forest crop lands whether such lands are owned privately or by counties. 23 Atty. Gen. 632.

Wild life refuges may be established for limited time on school fund lands where such procedure will enhance value of lands and not interfere with their sale. 25 Atty. Gen. 578.

**29.571 Horicon marsh game preserve, fur farm, hatchery, dams.** (1) A wild life refuge, game preserve and fur farm shall be established on the Horicon marsh in Dodge county under the supervision of the conservation commission.

(2) The conservation commission may, in its discretion, establish a fish hatchery in connection with such wild life refuge.

(3) The conservation commission shall purchase or acquire by condemnation proceedings the land known as the Horicon marsh, or as much thereof as it deems necessary, and may construct such buildings thereon and provide such equipment as is reasonably required to carry out the purposes of this section.

(4) The conservation commission is authorized to construct and maintain a dam or dams in or near the city of Horicon, to control and regulate the flood waters on Rock river, and to restore the public waters of Rock river on Horicon marsh to the natural levels existing prior to the private drainage of the same.

(5) All proceeds derived from the fur farm on the Horicon marsh and all other income from said state property shall be paid, within one week after receipt, into the conservation fund of the state treasury.

(6) It is the intent of the legislature that the provisions of this section are severable, and the holding of any provision hereof unconstitutional shall not affect the remainder thereof.

**Note:** This section is construed as directing the commission to acquire by condemnation or purchase such lands and flowage rights as are necessary to the execution of the statutory purpose and not obtainable without the payment of compensation. Landowners altering the physical situation of their marsh lands by drainage operations have no fixed property rights in natural seasonal water levels as they existed before such operations, but are entitled to the use of their lands only in their present state, and hence are not entitled to compensation for the impairment of such levels by flowage resulting from the state's construction and maintenance of a dam for the purpose of creating a wild life refuge. *State v. Adel-*

*meyer*, 221 W 246, 265 NW 838.

Hunting on Horicon marsh is illegal. 22 Atty. Gen. 627.

Conservation commission must establish wild life refuge on Horicon marsh, but must keep within appropriation provided by 20.20 (25), and size of area to be acquired is within discretion of commission. Maximum amount need not be used if lesser sum will suffice. Water levels created by dam are within jurisdiction of public service commission under 31.02, except that private property must not be flooded without compensation. Conservation commission is not liable for acts of those over whom it has no control. 25 Atty. Gen. 317.

29.572 [Repealed by 1937 c. 181 s. 2]

29.573 **Pheasant farms; commission control; shooting license.** (1) The conservation commission is hereby authorized to issue licenses for shooting preserves and the releasing, shooting, possession and use of pheasants thereon when in the judgment of the commission operations under such licenses will result in a net increase in the supply of pheasants in the state, and will otherwise be in the public interest. A fee of five dollars shall be collected for each such license when the area for which the license is granted shall be three hundred twenty acres or less, and the fee shall be ten dollars when the area is in excess of three hundred twenty acres. All such licenses shall expire on June thirtieth of each year.

(2) No license shall be granted unless the applicant shall own or have under lease the area for which the license is granted. Boundaries of the area licensed shall be clearly defined by at least one strand of wire and such posting as shall be described by the conservation commission.

(3) The conservation commission shall determine the minimum number of pheasants to be released for shooting purposes on the licensed premises and fix the time limits during which said birds may be hunted.

(4) (a) Until the release of said pheasants shall have been certified to and accepted by the commission it shall be unlawful to shoot, attempt to shoot or to otherwise take pheasants on premises licensed under this section, but when said release shall have been certified and accepted by the commission, and when such persons are otherwise lawfully entitled to hunt small game, the licensee and such other persons as he may designate may hunt on the licensed premises, have in possession, and dispose of such pheasants by gift.

(b) A full record covering each item of pheasant shot on the licensed premises shall be kept by the licensee or his designated agent, and a copy of this record under oath shall be filed with the conservation commission not later than June thirtieth of each year, and no such license shall be renewed until such record for the preceding year shall have been filed with and accepted by the commission.

(c) No pheasant of the species licensed shall be removed from the said licensed premises until there shall have been securely attached to each bird a metallic seal, the type and design of which shall be designated by the commission, and such seal shall remain attached to said birds until they are finally prepared for consumption. Such seal shall be supplied by the commission at a cost of five cents each.

(5) Only dead birds which have been killed by shooting shall be removed from premises licensed under this section, and it shall be unlawful to sell or attempt to sell or to buy or attempt to buy any such birds.

(6) (a) The conservation commission is authorized to make such rules and regulations as shall be necessary to carry out the intents and purposes of this section.

(b) Any person violating any of the above provisions shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars for each offense or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court. [1931 c. 482]

29.574 **Game bird and animal farms.** (1) The owner or lessee of any lands within the state of Wisconsin suitable for the breeding and propagating of upland game or ornamental birds, waterfowl, shorebirds, rabbits, hares and squirrels, or such additional species as may be approved by the conservation commission shall have the right upon



complying with the provisions of this section, to establish, operate and maintain a game bird and animal farm for the purpose of breeding, propagating, killing and selling game birds and game animals on such lands, the acreage and size of which shall be determined by the conservation commission. Such game bird and animal farm must be completely inclosed by a fence.

(2) Such owner or lessee desiring to establish, operate and maintain a game bird and animal farm in conformity with this section, shall file with the conservation commission a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating such game birds or animals and setting forth also the title and leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. It will be necessary for the licensee to purchase all wild game within the boundaries of the proposed farm of the species designated in the license, and to effect this purpose the conservation commission thereupon shall appoint one man, the applicant one man, and these two shall select a third man, the three to act as a board to go upon the lands embraced within the proposed license and determine as near as possible the number of wild birds and animals of the desired species thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within thirty days after the date of such determination as accepted by the conservation commission, the licensee shall pay to the conservation commission a specified sum as may be determined by the commission for those species of wild birds or wild animals on the said lands that are desired for propagation purposes, the title of which rests in the state. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and the applicant intends in good faith to establish, operate and maintain a game bird and animal farm, the commission shall inform him that as soon as he has built a suitable fence around the area to be included within the license, it will issue the same. Said fence shall be built as the conservation commission may direct. After the complete installation of such fence and after the commission has satisfied itself that it is satisfactory and complies with the law, it shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of such game birds and animals thereon according to the provisions of this section. When such license has been granted, the licensee shall become the owner of all such game birds or animals thereon of the species licensed and of all of their offspring actually produced thereon and remaining thereon, subject however to the jurisdiction of the conservation commission over all game.

(4) The holder of any such license shall pay an initial license fee of five dollars. Such license shall expire on December thirty-first of each year, but may be renewed each year upon the payment by the licensee of the renewal license fee of two dollars.

(5) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate such a game bird and animal farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate such game birds and animals thereon, and to the exclusive and sole ownership of any property in all such licensed game birds and animals caught or taken therefrom.

(6) (a) Such game birds on said farm, except pheasants which have been distinctly marked in a manner prescribed by the conservation commission, shall be killed only by the licensee, his bona fide regular employes, provided, the daily limit of all game except deer may be taken on a licensed game bird and animal farm during the regular open season for such game by persons qualified under chapter 29 to hunt thereon, and each game bird killed shall be distinctly tagged with a tag to be furnished by the conservation commission to the licensee at a cost of not exceeding two cents each. No such game bird killed on said farm and no live game birds to be consumed as food shall be removed therefrom until there shall have been securely attached and locked to each bird a metallic tag in such manner as is prescribed by the conservation commission, the type and design of said tag shall be designated by the conservation commission and shall remain attached to said birds until they are finally prepared for consumption. Live birds or animals may be sold and transported, provided that each container carrying such live birds or animals has attached thereto a tag as above set forth, provided that no empty container may have affixed thereto a locked tag unless on the game farm premises.

(c) Whenever any such bird or animal shall be consumed for food, the tag attached to such bird or animal shall be kept in evidence until such bird or animal is consumed.

(7) Any person other than the licensee, his bona fide regular employes, or persons having permission from the licensee who are otherwise qualified under chapter 29 to hunt

thereon, who shall hunt or shoot game birds or animals upon any lands described in any such license, shall be liable to the licensee in the sum of one hundred dollars, in addition to all damage which he may do to said farm or to the game birds or animals, and property thereon, but all actions for such trespass shall be brought by such licensee.

(8) (a) On or before the tenth day of January of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number and kinds of game birds or animals killed and sold and live game birds or animals sold during such period.

(b) The state conservation commission or its deputies shall have the right and power to inspect such game bird and animal farms or the books of such farms at any and all times when they may think the need requires it.

(9) Any person who shall violate any of the provisions of this section shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars. [1931 c. 351 s. 2; 1931 c. 482 s. 1; 1939 c. 202]

**29.575 Muskrat farms.** (1) The owner or lessee of any lands or private waters within the state of Wisconsin suitable for the breeding and propagation of muskrats shall have the right upon complying with the provisions of this section to establish, operate and maintain on said lands or private waters, a muskrat farm for the purpose of breeding, propagating, trapping, and dealing in muskrats. The term "private waters" as used herein shall mean all waters or streams whether meandered or not which are of a normally shallow, swampy, marshy or boggy character, not navigable in fact throughout the year by ordinary boats and pleasure craft and which are not of any substantial beneficial use to the public, and where all of the lands immediately abutting upon, surrounding or bordering said waters, together with all riparian rights incident thereto, are owned or held under written lease from the owner, by the person, firm or corporation making application hereunder.

(2) Such owner or lessee desiring to establish, operate and maintain a muskrat farm in conformity with this section, shall file with the conservation commission a verified declaration describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating muskrats, and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a muskrat farm, the commission shall issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping and dealing in of muskrats thereon.

(4) Thereupon the commission shall appoint one man, the applicant one man, and these two shall select a third man to act as a board to go upon the lands embraced within the license, and determine as near as possible the number of muskrats thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within ten days after the date of such determination, the licensee shall pay to the conservation commission fifty cents for each muskrat so found on such lands. When such payment has been made the licensee shall become the owner of all of the muskrats on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the rats thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said muskrats or the pelts taken from them. All such pelts so transported shall be tagged with a tag to be furnished by the conservation commission to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee.

(5) The holder of any such license shall pay an annual license fee of two dollars and fifty cents for any such farm of ten acres or under, and an additional fee for any additional land actually devoted to muskrat farming as follows: Fifteen cents per acre for the next thirty acres; ten cents per acre for the next forty acres and five cents per acre for any additional land so used.

(6) Within thirty days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than four rods along the boundary of the land embraced in said license, wherever the same are not already inclosed, and shall post and maintain upon said posts, stakes or other inclosures at intervals of not more than four rods notices furnished by the conservation commission proclaiming the establishment of a muskrat farm. For such notices the licensee shall pay to the conservation commission the sum of twelve cents each.

(7) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate a muskrat farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate muskrats thereon, and to the exclusive and sole ownership of any property in all muskrats caught or taken therefrom. Such licenses shall expire on the thirty-first of December of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap muskrats upon any lands described in any such license, shall be liable to the licensee in the sum of twenty-five dollars, in addition to all damage which he may do to said farm or to the rats and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about the first day of March of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of muskrats killed, transported or sold from said muskrat farm, and such other information as the commission may require.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided.

(11) Any person operating a muskrat farm under licenses granted by the provisions of this chapter, shall not trap any animals for pelting purposes during the close season provided for by this chapter, except on a permit granted by and under supervision of the state conservation commission; and all skins of such animals so taken during close season shall be distinctively tagged or marked by the conservation commission. No muskrats on licensed farms shall be killed at any time by gun shot or spear. [1933 c. 329 s. 1; 1941 c. 150]

**Note:** Holder of muskrat farm license for 1932 who does not renew same must pay for rats on farm when applying for new license. 23 Atty. Gen. 634. Muskrat farm license should be issued to cover one tract of land only. 24 Atty. Gen. 366.

**29.576 Beaver farms.** (1) The owner or lessee of any lands or private waters within the state of Wisconsin suitable for the breeding and propagation of beavers shall have the right upon complying with the provisions of this section to establish, operate and maintain, on said lands or private waters a beaver farm for the purpose of breeding, propagating, trapping and dealing in beavers. The term "private waters" as used herein shall mean all waters or streams whether meandered or not which are of a normally shallow, swampy, marshy or boggy character, not navigable in fact throughout the year by ordinary boats and pleasure craft and which are not of any substantial beneficial use to the public, and where all of the lands immediately abutting upon, surrounding or bordering said waters, together with all riparian rights incident thereto, are owned or held under written lease from the owner, by the person, firm or corporation making application hereunder.

(2) Such owner or lessee desiring to establish, operate and maintain a beaver farm in conformity with this section, shall file with the conservation commission a verified declaration describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating beavers, and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a beaver farm, the commission shall issue a license to the applicant, describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping and dealing in of beavers thereon.

(4) Thereupon the commission shall appoint one man, the applicant one man, and these two shall select a third man, the three to act as a board to go upon the lands embraced within the license and determine as near as possible the number of beavers thereon at the time of the granting of the license. The necessary expenses of all of the members of such board shall be paid by the licensee. Within ten days after the date of such determination, the licensee shall pay to the conservation commission two dollars and fifty cents for each beaver so found on such lands. When such payment has been made the licensee shall become the owner of all of the beavers on said lands and of all of their offspring remaining thereon. He shall have the right to manage and control said lands and the beavers thereon, and after July 1, 1925, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time after July 1, 1925, said beavers or the pelts taken from

them. All such pelts so transported shall be tagged with a tag to be furnished by the conservation commission to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee.

(5) The holder of any such license shall pay an annual license fee of two dollars and fifty cents for any such farm of ten acres or under, and an additional fee for any additional land actually devoted to beaver farming as follows: Fifteen cents per acre for the next thirty acres; ten cents per acre for the next forty acres and five cents per acre for any additional land so used; provided, however, that where such a farm is operated in conjunction with a licensed muskrat farm then only the annual license fee for operating the beaver farm must be paid but no additional acreage fee is required. No license shall be issued unless the applicant shall execute and deliver to the conservation commission a bond in a penal sum of not less than one hundred nor more than three hundred dollars, within the discretion of the commission, conditioned that he will conduct such beaver farm for a period of not less than two breeding seasons; that if at any time he shall discontinue said beaver farm he will have thereon as many beavers as were estimated to be thereon at the time the investigation was made under the provisions of subsection (4) of this section, and that the applicant will not dynamite or otherwise injure the beaver dam or destroy the beaver colony. Such bond shall run to the state of Wisconsin and any action thereon shall be begun in the name of the state, under the direction of the attorney-general.

(6) Within thirty days after the date of the issuance of any such license, the licensee shall erect posts or stakes at intervals of not more than twenty rods along the boundary of the lands embraced in said license, whenever the same are not already inclosed, and shall post and maintain upon said posts, stakes or other inclosures, at intervals of not more than twenty rods, notices furnished by the conservation commission proclaiming the establishment of a beaver farm. For such notices the licensee shall pay to the conservation commission the sum of twelve cents each.

(7) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate a beaver farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate beavers thereon, and to the exclusive and sole ownership of any property in all beavers caught or taken therefrom. Such licenses shall expire on the thirty-first of December of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap beavers upon any lands described in any such license, shall be liable to the licensee in the sum of twenty-five dollars in addition to all damage which he may do to said farm or to the beavers and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about the first day of March of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of beavers killed, transported or sold from said beaver farm, and such other information as the commission may require.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigating, except as herein expressly provided. [1933 c. 329 s. 1; 1941 c. 150]

**29.577 Fur animal farms.** (1) The owner or lessee of any lands within the state of Wisconsin suitable for the breeding and propagating of mink, otter, marten, fisher, raccoon or skunk shall have the right upon complying with the provisions of this section to establish, operate and maintain on such lands a mink, otter, marten, fisher, raccoon or skunk farm, for the purpose of breeding, propagating, trapping and dealing in mink, otter, marten, fisher, raccoon or skunk.

(2) Such owner or lessee desiring to establish, operate and maintain a mink, otter, marten, fisher, raccoon or skunk farm in conformity with this section, shall file with the conservation commission a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating mink, otter, marten, fisher, raccoon or skunk, and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract. He shall also set forth the number of mink, otter, marten, fisher, raccoon or skunk in his possession, and that he obtained them in a lawful manner.

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination it shall appear that the applicant is the

owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a mink, otter, marten, fisher, raccoon or skunk farm, the commission shall issue a license to the applicant describing such lands and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, trapping and dealing in of mink, otter, marten, fisher, raccoon or skunk thereon.

(4) When such license has been granted the licensee shall become the owner of all the mink, otter, marten, fisher, raccoon or skunk on said lands and of all their offspring remaining thereon. He shall have the right to manage and control said lands and the mink, otter, marten, fisher, raccoon or skunks thereon, to take and trap the same at any time or in any manner which he sees fit and deems to the best advantage of his business, and to sell and transport at any time said mink, otter, marten, fisher, raccoon or skunk or the pelts taken from them. All such pelts so transported shall be tagged with a tag to be furnished by the conservation commission to the licensee at cost, not exceeding one cent each. Such tags shall be numbered to correspond with the number of the license held by the licensee.

(5) The holder of any such license shall pay an annual license fee of two dollars and fifty cents for any such farm of ten acres or under, and an additional fee of twenty-five cents per acre for any additional land actually devoted to mink, otter, marten, fisher, raccoon or skunk farming.

(6) Within thirty days after the date of the issuance of any such license the licensee shall erect posts or stakes at intervals of not more than twenty rods along the boundary of the lands embraced in said license, wherever the same are not already inclosed, and shall post and maintain upon said posts, stakes or other inclosures at intervals of not more than twenty rods notices furnished by the conservation commission proclaiming the establishment of a mink, otter, marten, fisher, raccoon or skunk farm. For such notices the licensee shall pay to the conservation commission the sum of twelve cents each.

(7) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate a mink, otter, marten, fisher, raccoon or skunk farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate mink, otter, marten, fisher, raccoon or skunk thereon, and to the exclusive and sole ownership of any property in all mink, otter, marten, fisher, raccoon or skunk caught or taken therefrom. Such licenses shall expire on the thirty-first of December of each year, but may be renewed from year to year upon payment by the licensee of the annual license fee.

(8) Any person other than the licensee or his agents who shall hunt or trap mink, otter, marten, fisher, raccoon or skunk upon any lands described in any such license, shall be liable to the licensee in the sum of twenty-five dollars in addition to all damage which he may do to said farm or to the mink, otter, marten, fisher, raccoon or skunk and property thereon, but all actions for such trespass shall be brought by such licensee.

(9) On or about the first day of March of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number and value of mink, otter, marten, fisher, raccoon or skunk killed, transported or sold from said mink, otter, marten, fisher, raccoon or skunk farm, and such other information as the commission may require.

(10) Nothing in this section shall be construed to affect any public right of hunting, trapping, fishing or navigation except as herein expressly provided.

(11) The provisions of this section shall not apply to domestic mink nor to domestic mink farms. "Domestic mink" as used in this subsection and section 70.425 means mink imported from without the United States or mink in the fourth or more generation of pen captivity and where the owner has authentic written evidence showing such origin. "Domestic mink farm" as used in this subsection and section 70.425 means any farm used in the breeding and raising, or either, of domestic mink. The owner of domestic mink shall have the same property rights in them in the law as in other domestic animals owned in this state. [1939 c. 480]

**Note:** Owner of fur farm duly licensed may lawfully retain fur-bearing animals owned by another than owner of fur farm for stipulated amount of money or for sum of money and division of progeny. 19 Atty. Gen. 167.

Breeders of mink described in 343.421 are not exempt from securing license. 25 Atty. Gen. 4.

**29.578 Deer farm.** (1) The owner or lessee of any lands within the state of Wisconsin suitable for breeding and propagating of deer shall have the right upon complying with the provisions of this section to establish, operate and maintain a deer farm for the purpose of breeding, propagating, killing and selling deer on such lands, the

acreage and size of which shall be determined by the conservation commission. Such deer farm must be completely inclosed by a fence. Any streams whether meandered or not, flowing into or out of an inclosed deer farm, and of a swampy, marshy or boggy character and not navigable in fact at all times of the year by ordinary boats or pleasure craft, and which are not of any substantial beneficial use to the public, shall not be considered navigable so as to prevent erection and maintenance over them, of the type of fence prescribed and permitted by this section.

(2) Such owner or lessee desiring to establish, operate and maintain a deer farm in conformity with this section shall file with the conservation commission a verified declaration, describing the lands which such applicant for a license desires to use for the purpose of breeding and propagating deer and setting forth also the title or leasehold of the applicant and the number of acres embraced in said tract.

(3) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. Upon receipt of such declaration the commission shall determine as near as possible the number of deer on such lands. The necessary expenses of such investigation shall be paid by the licensee.

(4) The licensee shall pay to the conservation commission twenty-five dollars for each deer so found on such lands. When such payment has been made and the license issued, the licensee shall become the owner of all deer on said lands and of all their offspring. He shall have the right to manage and control said lands and the deer thereon, to kill and sell the same as provided by this section. If upon examination it shall appear that the applicant is the owner or lessee of said lands, and that the applicant intends in good faith to establish, operate and maintain a deer farm, the commission may inform him that as soon as he has built a suitable deer fence around the area to be included within the license, it will issue the same. Said deer-tight fence shall be built in accordance with specifications prescribed by the conservation commission; provided, the commission may issue a license for such deer farms heretofore established if the fence actually inclosing said farm is in fact sufficient to hold deer therein. After the complete installation of such fence and after the commission has satisfied itself that it is satisfactory and complies with the law, it may issue a license to the applicant describing such lands, and certifying that the licensee is lawfully entitled to use the same for the breeding, propagating, killing and selling of deer thereon according to the provisions of this section.

(5) The holder of any such license shall pay an annual license fee of twenty-five dollars. Such license shall expire on December thirty-first of each year, but shall be renewed each year if the licensee has not violated any of the provisions under which it was granted.

(6) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, for the term of the license, to establish and operate a deer farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right for and during said term to breed and propagate deer thereon, and to the exclusive and sole ownership of any property in all deer caught or taken therefrom.

(7) Deer on a deer farm shall be killed only by the licensee or his bona fide regular employes; and all such deer killed shall be distinctly tagged with a tag to be furnished by the commission to the licensee at cost not exceeding five cents each. The licensee shall pay to the commission one dollar for each deer so killed. Before any deer on a licensed deer farm shall be killed, the licensee shall notify the conservation commission or one of its representatives in advance of the taking of such deer, and the conservation commission or its representatives shall make acknowledgment of receipt of said notice and such acknowledgment when received by the licensee shall be his authority for taking deer. The conservation commission or any of its duty authorized representatives may be present while the taking of such deer is in progress.

(8) After a deer is so killed and tagged the entire carcass only shall be sold and transported, except as provided in subsection (14). The tag must remain on the carcass while in transit and until same is consumed.

(9) Such licensee may sell and transport live deer providing that the conservation commission or one of its representatives be notified in advance of the shipment of such deer, and the conservation commission or its representatives shall make acknowledgment of receipt of said notice and such acknowledgment when received by the licensee shall be his authority for shipping deer. The licensee shall pay to the commission one dollar for each live deer sold, and each crate carrying such live deer must have a special tag on the same, showing that it is a deer from a deer farm. Such tags shall be furnished by the conservation commission, its deputies or agents.

(10) Any person other than the licensee or his employes who shall hunt or trap deer upon any lands described in any such license shall be liable to the licensee in the sum

one hundred dollars in addition to all damage which he may do to said farm or to the deer and property thereon, but all actions for such trespass shall be brought by such licensee.

(11) Each license shall be accepted by the licensee upon the condition that he will comply with all the provisions of this section and with all provisions of law and that he will honestly operate said deer farm for the purpose of propagating deer; that the title to the deer in the inclosure for which a license has been granted and for which the applicant has paid the state at the rate of twenty-five dollars per deer, shall be conditional upon the applicant and licensee honestly and fairly complying with the provisions of this section and provisions of law relating to the operation of deer farms; and in the action to revoke the license of said licensee, or to establish his unfitness to further operate said deer farm, the court, in the judgment, in the event it is determined that the applicant and licensee has violated the provisions of this section and the provisions of law relating to the operation of deer farms, shall provide that the title to all of the deer within said inclosure together with all of the increase therefrom be forfeited to the state; that the said tract of land shall not be used for a deer farm for a period of five years and until a new license therefor, after said five years, has been issued by the conservation commission as provided in this section; that the conservation commission shall within thirty days of the notice of entry of judgment enter upon said tract and open the said fences in such a manner as to give the inclosed animals free egress and may drive the said animals out of the inclosure if in the opinion of the conservation commission it is for the best interests of the state; said lands for which said license has been forfeited may be used by the owner thereof for all lawful purposes except the propagating of deer during said time, and during said five year period said lands shall be a sanctuary and no hunting or trapping of any kind or character shall be practiced therein or thereon. The said conservation commission shall in such event duly post notices thereof at intervals of ten rods around the entire tract.

(12) On or before the first day of January of each year, each such licensee shall make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of deer killed and sold and live deer sold during said period, the names and addresses of the persons to whom the same were sold and the dates of shipment.

(13) The state conservation commission or its deputies shall have the right and power to inspect such deer farms or the books of such deer farms at any and all times when they may think the need requires it.

(14) Any person who may wish to barter, sell or otherwise deal in the carcasses or parts of deer taken from deer farms must first purchase from the conservation commission a license for so doing. The fee for such license shall be fifty dollars for each year and shall expire on the thirty-first day of December. Each carcass or part thereof of such deer that may be sold by such person under such license must have a distinctive tag attached thereto that will be furnished them by the state conservation commission at five cents each. Special permits for a limited time to retail a venison lawfully killed and sold in the carcass to any retailer of meats may be issued by the conservation commission in its discretion, the fee for which shall be five dollars for each deer so sold.

(15) Any person who shall unlawfully and without the permission of the owner, hunt within the inclosure of said deer farm or who shall violate any of the provisions of this chapter shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars or by imprisonment in the county jail not less than sixty days nor more than six months, or by both such fine and imprisonment.

(16) The conservation commission is hereby authorized to sell to owners of licenses hereunder for propagating purposes, fawns and deer at a price to be fixed by the commission not exceeding twenty-five dollars each, and the said commission is directed to make all necessary orders, rules and regulations not inconsistent herewith, carrying out the provisions hereof to the end that the industry may be encouraged. [1939 c. 202; 1941 c. 133]

29.579 [Repealed by 1935 c. 477]

29.579 **Certified domestic mink farms.** (1) (a) "Certified domestic mink" are all certified Yukon, certified eastern or standard bred mink kept, bred or propagated on a "certified domestic mink farm" and declared by the conservation commission to be such mink.

(b) "Certified domestic mink farm" is a tract of land licensed for the purpose of keeping, breeding, propagating and dealing in certified Yukons, certified eastern or standard bred mink pursuant to the provisions of this section.

(2) The owner or lessee of any tract of land within this state suitable for the breeding and propagation of mink, having legally in his possession any certified Yukon, certified eastern or standard bred mink with which to stock such tract shall have the right, upon complying with the provisions of this section, to establish, operate and maintain on such

tract a domestic mink farm for the purpose of breeding, propagating and dealing in domestic mink.

(3) Such owner or lessee desiring to establish, operate and maintain a certified domestic mink farm and to have the mink kept and propagated thereon declared certified domestic mink pursuant to this section, or already licensed pursuant to this section and adding one or more mink to his herd, shall file with the conservation commission a verified declaration describing the lands which such applicant desires to use or uses for the purpose of breeding, propagating and dealing in domestic mink, title or leasehold of the applicant and the number of acres embraced in such tract, the number, kind and breeding of the mink with which the applicant contemplates stocking or increasing the herd on such tract, the breeder from whom such mink were obtained and his interest in or right to the same.

(4) Upon the filing of such declaration the conservation commission shall forthwith investigate the same and may require the applicant to produce satisfactory evidence of the facts therein stated. If upon such examination and inspection as provided in subsection (10), it shall appear that the applicant is the owner or lessee of such tract, that he has certified Yukon, certified eastern or standard bred mink with which to stock such tract and that he intends in good faith to stock the same with such mink and to establish, operate and maintain on such tract a domestic mink farm for the purpose of breeding, propagating and dealing in certified Yukon, certified eastern or standard bred mink, the commission shall issue a license to the applicant describing the tract and certifying that the licensee is lawfully entitled to use the same for breeding, propagating and dealing in domestic mink, the number and description of certified Yukon, certified eastern or standard bred mink with which such tract is originally stocked and that all such mink and the accretion therefrom are declared to be certified domestic mink. If, upon such examination, it shall appear that such license has been issued to such applicant and that he has certified Yukon, certified eastern or standard bred mink with which to increase his herd and that he intends in good faith so to do for the purpose of breeding, propagating and dealing in such mink, the commission shall issue its certificate to the applicant certifying that he is entitled to use the same for such purpose and that such added mink and the accretion therefrom, upon inspection pursuant to subsection (10), are declared to be certified domestic mink.

(5) Any certified domestic licensee purchasing, or in any way exchanging any mink with any breeder not a certified domestic licensee, cancels his certified domestic license until such herd is reinspected and reapproved as a certified or standard herd by the conservation commission.

(6) Such license shall be prima facie evidence in all courts and proceedings of the lawful right of the licensee therein named, his or its successors or assigns, to establish and operate a domestic mink farm upon said premises, and shall entitle the licensee therein named or his successors or assigns, to the exclusive right to breed and propagate certified Yukon, certified eastern or standard bred mink thereon.

(7) On or about the first day of March of each year, each such licensee shall upon request make a report, verified by affidavit, to the conservation commission, covering the period from the first day of January to the thirty-first day of December of the previous year, upon blanks furnished by the commission, stating the number of his license and the total number of each kind of mink pelted, transported or sold from said domestic mink farm, description of mink purchased and added to herd in past year and number of mink held for breeding purposes.

(8) Certified domestic mink licensees shall not be subject to the provisions of chapter 29 other than those contained in this section, and certified domestic mink shall be recognized as farm animals.

(9) The purpose of this section is to provide an adequate and flexible system for improving and developing of mink farming in the state of Wisconsin.

(10) (a) The conservation commission is hereby authorized to make such regulations, standards and provisions, and to make such charges and fees as they shall deem necessary to provide for a system of certified classification and certification of individual herds of mink. The commission is further authorized to establish such services, cancel such certification, change regulations, standards, charges and fees as they may deem necessary to carry out the provisions and purposes of this section.

(b) Such certified herds shall be known as "certified domestic mink" and be recognized as domestic farm animals. [1937 c. 428]

29.58 [Repealed by 1939 c. 438]

29.59 Beaver causing damage. (1) Upon complaint in writing, by the owner or lessee of any lands, to the state conservation commission, that beaver are causing damage thereto, the commission shall employ such means as it may deem wise to inquire into the matter; and if, upon inspection, investigation, hearing or otherwise, it shall appear to the



satisfaction of the commission that the facts stated in such complaint are true, it may, by written permit, authorize any conservation warden or other employe of the conservation commission to capture and remove such beaver at any time.

(2) All such beaver or the skins of such beaver shall be shipped without delay to Madison, consigned to the conservation commission. Unless other orders in writing are issued, they shall be sold in the manner of a sale of confiscated game, and the proceeds paid into the conservation fund.

**29.594 Beavers, license to trap, open season.** (1) A special license for the taking, catching or killing of beaver by means of trapping only shall be issued by the conservation commission subject to section 29.09 when there is an open season for such animals established under conservation commission order, and only to residents of this state who have resided herein for a period of one year prior to the date of making application for such license and no person shall take, capture or kill, or attempt to take, capture or kill any beaver by trapping without procuring such a license.

(2) The fee for this license shall be two dollars and fifty cents. No person shall take, capture or kill, or attempt to take, capture or kill any beaver by shooting, snaring, spearing, or by the use of explosives, ether, chloroform or other poison gases, or in any manner other than by trapping; or have in possession or under control the skin or skins of any beaver showing that they have been taken by shooting, snaring, spearing or by the use of explosives, ether, chloroform or other poison gases of any kind.

(3) (a) The skin of beaver taken, caught or killed under such license shall have attached thereto and locked thereon, a distinctly numbered tag to be prescribed and furnished by the conservation commission. The fee for each tag shall be one dollar and the number of tags that may be purchased by a trapper licensed under this section shall not exceed the bag limit prescribed for beaver during the year designated on such tags. Such tag shall be known as a pelt tag and shall be attached immediately when the animal's pelt is removed; the trapper shall within ten days following the closing of the open season for trapping beaver in the year designated, present such pelts so tagged to a conservation warden or a representative of the conservation commission; such conservation warden or representative of the conservation commission upon being presented with the pelts properly tagged as aforesaid shall remove such tag and attach thereto a vendor's tag which shall be attached to each pelt in the manner designated above, and it shall be necessary that such vendor's tag shall be so attached before any such pelt may be sold, shipped or disposed of in any manner; the conservation warden or representative of the conservation commission shall make no charge for the vendor's tags attached by them to the pelts presented to them by the trapper.

(b) Unused pelt tags shall be returned to the conservation commission at the time of making the report provided under subsection (4) of this section; and for each such tag returned the conservation commission shall refund one dollar to the person returning the same. Such tag shall be attached and locked to some part of the head of the skin of the beaver immediately after such skin has been removed from the carcass of the animal and shall remain attached and locked thereto until the skin is presented to the conservation warden or representative of the conservation commission to be replaced by a shipper's tag as above set forth.

(c) All packages of beaver skins delivered, transported or shipped by any licensee in any manner shall have plainly marked on the outside of the package the name and address of the consignee and the consignor, the number of his license, and the number of beaver skins inclosed in the package.

(4) Every licensee shall, not later than ten days after the close of the open season for beaver, return his license and all unused beaver tags to the conservation commission at Madison, Wisconsin, for cancellation, together with a report on a blank to be furnished by the conservation commission, stating thereon the number of beaver taken, caught or killed by the licensee, the disposition, if any, of the skins, and the amount received for them; the number of skins held in possession, and the reasonable value thereof. Such report shall also include a statement by the licensee that he has returned to the commission with said report all unused beaver tags issued him by the conservation commission, for a refund. Each such report shall be subscribed and sworn to before any person legally authorized to administer oaths. [1933 c. 25 s. 2; 1939 c. 256; 1943 c. 104]

**29.595 Deer or bear causing damage.** Upon complaint in writing by the owner or lessee of any lands, to the state conservation commission, that deer or bear are causing damage therein the commission shall inquire into the matter; and if upon inspection, investigation, hearing, or otherwise, it shall appear to the satisfaction of the commission that the facts stated in each such complaint are true, it may capture or destroy such deer or bear, and dispose of the same as provided in section 29.06. [1931 c. 351 s. 2; 1939 c. 226]

**29.596 Claims for deer or bear damage.** (1) Any person claiming damage to his property caused by deer or bear shall file a verified statement of his damage with the

state conservation commission within ten days from the time such damage is alleged to have been incurred. No person, however, shall be entitled to any damages under this section who shall have posted his lands against hunting.

(2) (a) The state conservation commission shall investigate and settle all such claims.

(b) In all cases where the commission and the claimant cannot agree upon the amount of the damage sustained, the commission shall upon not less than ten days' notice in writing, exclusive of Sundays and holidays, to such claimant, apply to the judge of the circuit court of the county wherein the claimant resides to hear, try and determine all issues raised in said matter. At the time set therefor such judge shall hear the parties, and in such manner as he may in his discretion determine, inform himself in respect to the matter, and within five days make his award in writing and file the same, and his findings shall be final.

(c) All witnesses necessary to such proceedings shall receive the same pay for services as is paid to witnesses in a court of record.

(3) The director or assistant director of the state conservation commission shall file all approved claims and a statement of witness fees with the secretary of state. Such claims and fees shall be paid out of the fund provided in subsection (19) of section 20.20. [1931 c. 428 s. 2; 1935 c. 166; 1939 c. 226]

**Note:** Claims for damage done by deer land of claimant in either city or country. may be allowed only for damage to property on land of claimant. 22 Atty. Gen. 299. 21 Atty. Gen. 1070. Sign bearing inscription "Fur farm li- Conservation commission may approve claim for damage done by deer to plate glass window or automobile when same are on land of claimant in either city or country. 24 Atty. Gen. 552. censed by Wisconsin conservation commission" is construed to be posting lands with- in (1). 24 Atty. Gen. 552.

**29.597 Deer fences.** If, upon careful examination by the state conservation commission, it appears that a deer proof fence can be built at less cost than the estimated cost of damage that might be done by deer in any area inhabited by deer, the state conservation commission may, at its discretion, build or cause to be built, a deer proof fence around such area or any part thereof. [1935 c. 288]

**29.60 Bounty on wild animals.** (1) Any person who shall kill any wolf or coyote cub between the first day of March and the first day of November next following shall be entitled to a reward of ten dollars, or any mature wolf or coyote at any time twenty dollars, or any wild cat five dollars, or any lynx five dollars, to be paid out of the state treasury under the provisions of subsection (1) of section 20.205; provided, that where a wolf, while being chased by dogs belonging to one person, is killed by another person, the bounty shall be divided equally between such persons.

(2) Any person claiming such reward shall exhibit the carcass entire with hide attached to the nearest conservation warden or county clerk within five days after the killing thereof, and any person presenting a wolf for bounty shall upon the demand of any conservation warden or county clerk show where such wolf was killed or trapped, or any den that the said wolf was taken from, and furnish any other information concerning the capture of such animal that the conservation warden or county clerk might request. Every person claiming a reward under this section shall sign and deliver to the said warden or county clerk in the presence of two subscribing witnesses a statement in substantially the following form: The warden or county clerk shall immediately forward this statement to the conservation commission.

STATE OF WISCONSIN, }  
County of ..... } ss.

I, the undersigned, being first duly sworn, declare and state that I did personally on the .... day of ....., 19.., in the town of ....., county of ....., kill or cause to be killed the animal here exhibited to the conservation warden or county clerk .... and that it is the carcass of a .....

Subscribed and sworn to before me  
this .... day of ....., 19...

.....  
Claimant.

..... Witness  
..... Witness

.....  
Notary Public (or) Justice of Peace

(3) Thereupon said conservation warden or county clerk shall punch both ears of said animal and shall slit full length the inside of the right hind leg, and may issue a certificate to the claimant in the following form. Said certificate shall be rendered to the state conservation commission at Madison for payment within ten days from date of issue. No

certificate shall be issued on presentation of the hide of any wild animal separated from the carcass, nor shall any certificate be issued on a carcass on which the ears have been punched or the leg slit as provided. Nor shall a certificate be issued unless the conservation warden or county clerk is positive that it is the carcass of a wolf, coyote, wild cat, lynx or fox.

STATE OF WISCONSIN, } ss.  
County of . . . . . }

I, . . . . ., conservation warden or county clerk living in said county, hereby certify that . . . . . on the . . . . day of . . . ., 19. . ., exhibited to me the carcass of a . . . ., which he claims to have killed as stipulated in his statement under date of . . . ., 19. . ., and which statement I mailed to the state conservation commission. That I punched the ears of said carcass and slit the inside of the right hind leg as provided by law.

. . . . .  
Conservation Warden or County Clerk.

Dated at . . . ., Wis., this . . . . day of . . . ., 19. . .

(4) Upon receipt of both such claim and certificate by the conservation commission within the ten-day period provided, the same shall be presented to the secretary of state and he shall audit such claim and issue his warrant for its payment.

(5) (a) It shall be unlawful to put out baits containing poison of any description in any forests, fields or other places where it might destroy or cause the destruction of wild animals or birds, and the possession of any such poison or poison baits in a hunting or trapping camp or on any person or persons while hunting or trapping shall be prima facie evidence of a violation hereof.

(b) It shall be unlawful to take, capture or kill or attempt to take, capture or kill any wild animal with the aid of dynamite or any other explosive or poison gas, or set any dynamite or other explosives near or on any beaver or muskrat houses. Any person who violates any of the provisions of this subsection shall be punished by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail not less than three months nor more than six months.

(c) Nothing in this chapter shall prevent the state conservation commission or its deputies from using dynamite or having dynamite in possession near beaver houses or dams for the purpose of removing beaver dams when the beavers are causing damage to property owners, nor shall it be unlawful for any person to use poisoned baits, dynamite or poison gas under rules and regulations which shall be prescribed jointly by the conservation commission and the state department of agriculture, for the destruction of injurious insects, rodents or English sparrows.

(6) The county board may authorize the payment of an additional bounty for the killing of any animal for which the state pays a bounty under this section, not to exceed such state bounty, and may authorize the payment of a bounty by the county or its designated agents for the destruction of any fox, skunk, weasel and other animal or animals when, after careful investigation by competent authorities, they are found to be destructive in any manner. Such action by the county board shall not conflict in any manner with other sections of the statutes or with conservation commission orders and regulations. Any action heretofore taken by any county board authorizing the payment of bounties for the killing of animals hereinbefore mentioned in this subsection, is validated with like effect as if specific authority therefor was provided by law. When any county board indicates by the proper legal procedure that it is their intention to cause a bounty to be paid on any animal hereinbefore mentioned in this subsection, they or their designated agents shall promptly notify the state conservation commission at Madison of that fact by supplying them with a full copy of the procedure dealing with their action in the matter. [1931 c. 203; 1935 c. 21, 148]

**Note:** Where two persons claim reward for killing wolf, it is duty of the secretary of state to audit such claim and to determine to what person or persons and in what amounts such reward is due. 19 Atty. Gen. 161.

Claims for bounty for killing wolves must be presented in form and manner provided; when proper proofs are presented to secretary of state, he shall audit such claims; he may require such proofs as will satisfy him as to correctness of claim. 19 Atty. Gen. 196.

Person who has shot wolf without hunting license is still entitled to bounty. 19 Atty.

Gen. 570.

Person who complies with this section is entitled to bounty even though guilty of violating game law. 24 Atty. Gen. 115.

Person swearing falsely to material facts in affidavit properly administered is guilty of false swearing. Person instrumental in getting another to swear falsely may be indicted as accessory before fact. 24 Atty. Gen. 145.

No bounty may be paid for wolf caught in trap, which dragged trap away and was not found until he had been dead for more than five days. 29 Atty. Gen. 270.

**29.605 Giving away of predatory animals to public zoos.** (1) It shall be lawful for the conservation commission, its agents, or deputies, to give, present, or turn over alive, for educational purposes, to any bona fide public zoo any predatory animal for which a

state bounty claim can be issued and such bounty claim shall be paid the same as other claims, as provided under section 29.60 of the statutes.

(2) Any predatory animal that has been given to, presented, or turned over to any bona fide public zoo under the provisions of this section shall not be sold, bartered, or given away by such zoo in any manner except that such animal may be returned to the conservation commission. [1933 c. 398]

**29.61 Destruction of other injurious animals; rewards.** (1) The governing body of any county, town, city or village may direct that every person who shall kill any crow shall be entitled to a reward of not to exceed twenty-five cents, or any sharp-shinned or Cooper's hawk twenty-five cents, or any pocket gopher twenty-five cents, or any streaked gopher ten cents, or any black, brown, gray or Norway rat, commonly known as the house rat or barn rat five cents, or any rattlesnake fifty cents, or any ground hog or woodchuck twenty-five cents, or any mole ten cents.

(2) Any person claiming such reward shall exhibit the bill of the crow or hawk, or the ears of the gopher or woodchuck, at least half of the body including the rattles of the rattlesnake, or head of any other animal on which a bounty is payable to an officer designated by such governing body in its ordinance or resolution providing for such reward, and present an affidavit to such officer stating that said bill, ears, body or head are of the animal killed by him, and that he has not spared the life of any such animal or bird within his power to kill. Such officer shall then issue a certificate in the following form:

STATE OF WISCONSIN, }  
County of ..... } ss.

I, ..... (designation of officer), do certify that ..... has this day exhibited to me the head (or bill, or body, or ears) of ....., which he claims to have killed in said (town, city, village), and that the head (or bill, or body, or ears) of said .... was (were) destroyed in my presence, and that the said ..... is on presentation of this certificate to the (town, city, village) clerk within twenty days from the date hereof, entitled to an order on the (town, city, village) treasurer for the sum of ..... dollars, to be drawn from the general fund of said (town, city, village).

Dated this ..... day of ....., 19....

.....  
(Designation of Officer)

(3) The town, city or village clerk, respectively, shall on the production of the certificate of such officer, issue to the holder thereof an order on the town, city or village treasurer, respectively, for the amount stated in said certificate.

(4) Whenever any county has authorized the reward provided for in this section, the treasurers of the various towns, cities and villages shall, at the close of their accounts on the thirtieth day of October in each year certify to the county clerk the amount of money expended by their respective towns, cities and villages under the provisions of this section. Such treasurer shall attach to the certificate an affidavit stating that the account is just and that his town, city or village has actually expended the amount therein stated. The certificate and affidavit shall be placed on file in the office of the county clerk and the account shall be audited by the county board and the amount thereof paid to the treasurers of the respective towns, cities and villages from any money in the general fund of the county not otherwise appropriated. [1931 c. 110; 1933 c. 287]

**Note:** This section is mandatory, not discretionary, with county to authorize rewards. 20 Atty. Gen. 660.

**29.62 Removal of injurious rough fish.** (1) The state conservation commission is authorized to take rough fish by means of seines, nets or other devices, or cause the same to be taken, from any of the inland waters of this state.

(2) The term "rough fish" as used in this section shall mean and include buffalo fish, carp, eelpout, dogfish, sheepshead, billfish, red horse, suckers, lawyers and lizards.

(3) Whenever the state conservation commission takes rough fish under the provisions of this section it shall dispose of the same as the commission shall direct. [1935 c. 211]

**29.625 Permit to take rough fish.** (1) Permission may be granted to any person by the conservation commission upon such terms and conditions as it may require to take carp and other undesirable rough fish, which are detrimental to game fish in the following bays or harbors in Door county, namely: Sturgeon Bay, Little Sturgeon Bay, Riley's bay, Egg harbor, Fish creek harbor, Eagle harbor, Bailey's harbor, Mud bay, North bay, Rowley's bay, and Washington harbor, Jackson harbor and Detroit harbor in Washington Island.

(2) A person having a contract to take rough fish under section 29.62 or section 29.625 may be authorized by the commission to erect and maintain a temporary pond in any navigable water pending the sale of such fish, provided that such pond does not unreasonably interfere with navigation or other public rights in such water. [1935 c. 412]

**29.626 Trespass on riparian land.** In an action against a person for damages sustained from trespassing on lands bordering streams stocked by the consent of owner of such lands, with fish received from a state hatchery, where such damage shall exceed two dollars, the trespasser shall be liable for double the amount of such damage and all the taxable costs; and where the damage sustained is two dollars or less the trespasser shall be liable for the amount of such damage and the costs not to exceed the amount of the damage.

**29.628 Reports of hunters.** On or before February first next after the date of issuance of any hunting license issued under this chapter the licensee shall report to the state conservation commission on blanks furnished by the commission at the time the license is issued, the number of his license, the number and kind of each game animal taken under such license, and such other information as may be required on the blank for the purpose of enabling the commission to prepare statistics regarding the same. Any licensee who wilfully fails or neglects to make such report shall not be granted a license under chapter 29 for a period of one year thereafter, but shall be subject to no other penalty for such violation. [1931 c. 379; 1935 c. 333]

**29.63 General penalty provisions.** (1) **PENALTIES.** Any person who, for himself, or by his agent, servant, or employe, or who, as agent, servant, or employe for another, violates any of the provisions of this chapter shall be punished, respectively, as follows:

(a) For the unlawful use of any gill net or trammel in taking, catching or killing fish of any variety in any waters, or for the use of any net in taking, catching or killing trout of any variety in inland waters, by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment in the county jail not less than nine months nor more than one year, or by both such fine and imprisonment.

(b) For hunting, trapping, fishing, or clamming without a license duly issued, whenever a license therefor is required by the provisions of this chapter, by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(c) For the violation of any provision of the statutes or any conservation commission order relating to the hunting or taking of game or game birds of all kinds, except deer, bear and sturgeon by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(d) For any violation for which no other penalty is prescribed, by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(e) For the violation of any provision of the statutes or any conservation commission order relating to the hunting of deer by artificial light and the illegal snaring of deer, by a fine not less than \$50, nor more than \$100 or by imprisonment not less than 30 days nor more than 6 months or both.

(f) For the violation of any provision of the statutes or of any conservation commission order relating to fishing, or the possession of game fish, except where some other penalty is specifically provided, by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(g) For the violation of any provision of the statutes or any conservation commission order relating to the hunting, transportation or possession of deer, bear and sturgeon by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment.

(2) **"PERSON" DEFINED.** The word "person" as used in this section includes natural persons, firms, associations, and corporations.

(3) **REVOCATION OF LICENSE.** (a) Conviction for a violation of this chapter, in addition to all other penalties, revokes any license theretofore issued pursuant to this chapter to the person convicted, and no license shall be issued to such person for a period of one year thereafter.

(b) No license shall be issued to any person for a period of one year following a conviction of such person for a violation of this chapter.

(c) No license shall be issued to any person for a period of 3 years following a conviction of such person for violation of subsection (1) (e).

(4) **CONSTRUCTION OF PENALTY PROVISIONS.** No penalty prescribed in any section of this chapter shall be held to be diminished because the violation for which it is prescribed falls also within the scope of a more general prohibition.

(5) **PRESUMPTIONS.** In any prosecution under this section it shall not be necessary

for the state to allege or prove that the animals were not domesticated or were not taken for scientific purposes, or were taken or in possession or under control without a license or permit therefor; but the person claiming that such animals were domesticated, or were taken for scientific purposes, or were taken or in possession or under control under a license or permit duly issued, shall have the burden of proving such fact or facts. [1931 c. 429 s. 1; 1933 c. 329 s. 2; 1939 c. 502; 1943 c. 345]

**Note:** Penalty prescribed in (1) (d) does not apply to one using untagged trap under 29.13 (1), as seizure and forfeiture of said trap is penalty in contemplation of game laws. 19 Atty. Gen. 212.

Where fur farm license is granted to partnership and one of partners is convicted of violation of game laws, license to partnership is revoked. 19 Atty. Gen. 548.

Possession of firearms not unloaded and knocked down or unloaded and within carrying case, in territory where there is open season for deer for period of five days prior to such opening date constitutes violation. 21 Atty. Gen. 1037.

One who paddles boat and holds light for another illegally fishing may be convicted as principal. 22 Atty. Gen. 381.

Conviction under (3) for violation of fish and game law ipso facto revokes any license theretofore issued pursuant to chapter 29. This does not include any conviction obtained in justice court from which appeal has been taken entitling applicant to trial de novo in circuit court. In that case license is

not revoked until conviction is obtained in circuit court. 23 Atty. Gen. 512.

Fur buyer's license is revoked by conviction of licensee for illegal possession of mink skins during closed season under (3) and no new license may be issued to him for one year thereafter even though case has been appealed to supreme court and stay of execution has been granted until case has been reversed by supreme court. 23 Atty. Gen. 736.

Violations of ch. 29, Stats., punishment whereof does not exceed 6 months imprisonment in county jail or \$100 fine or both such fine and imprisonment, are within jurisdiction of justices of peace notwithstanding fact that under 29.63 (3), such conviction revokes any license held by convicted person pursuant to ch. 29 and makes him ineligible to receive any such license for period of 1 year. 30 Atty. Gen. 269.

29.63 (3) (a), relating to revocation of licenses, applies to one convicted of violating conservation commission hunting order issued pursuant to 29.174 (2). 30 Atty. Gen. 456.

**29.64 Resisting conservation warden.**

Any person who shall assault or otherwise wilfully resist or obstruct any conservation warden in the performance of his duty shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment. [1931 c. 278 s. 2]

**29.65 Civil actions for damages caused by law violations.** (1) The state conservation commission may bring a civil action in the name of the state for the recovery of damages against any person, persons, firm, or corporation unlawfully killing, wounding, catching, taking, trapping, or having unlawfully in possession any of the following named protected wild animals, birds, or fish, or any part thereof, and the sum assessed for damages for each wild animal, bird, or fish shall be not less than the amount hereinafter stated in this section:

- (a) Any moose, elk, fisher, or sand hill crane .....\$50.00
- (b) Any bear ..... 30.00
- (c) Any deer, marten, black raccoon or wild swan ..... 25.00
- (d) Any beaver or otter ..... 20.00
- (e) Any gray raccoon or mink ..... 5.00
- (f) Any grouse, prairie chicken, wood duck, wood cock, spruce hen, wild goose or brant ..... 5.00
- (g) Any pheasant, Hungarian partridge, quail, rail, Jack snipe or shore bird, or protected song bird or harmless bird ..... 3.00
- (h) Any wild duck, coot, or squirrel ..... 2.00
- (i) Any muskrat ..... 1.00
- (j) Any muskellunge or rock or lake sturgeon ..... 10.00
- (k) Any large or small-mouthed black bass ..... 5.00
- (l) Any brook, rainbow, brown, steel head, Loch Leven or grayling trout ..... 3.00
- (m) Any wall-eyed pike, pike perch, or any other game fish not mentioned in paragraphs (i) to (l) ..... 2.00

(2) Any damages recovered in such action shall be paid into the state conservation fund and disbursed therefrom by the conservation commission for the purpose of leasing or purchasing public shooting or fishing grounds or refuges. The costs of such action in case of a judgment in favor of the defendant shall be paid out of the conservation fund.

(3) A civil action brought under this section shall be a bar to a criminal prosecution for the same offense, and vice versa. [1933 c. 389]